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SCHIAVITÙ E SERVAGGIO NELL'ECONOMIA EUROPEA

SECC. XI-XVIII

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SERFDOM AND SLAVERY IN THE EUROPEAN ECONOMY

11TH - 18TH CENTURIES

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Atti della "Quarantacinquesima Settimana di Studi"
14-18 aprile 2013

a cura di Simonetta Cavaciocchi

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Apertura dei lavori

Sergej Pavlovic Karpov

Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII

Nel pensiero europeo dell'Otto e Novecento ha a lungo dominato l'idea - rafforzata anche dal marxismo, con la sua teoria della successione delle formazioni socio-economiche - che la schiavitù fosse la caratteristica più rilevante del periodo antico ma che il fenomeno avesse perso di importanza in epoca medievale. Questa concezione fu sostanzialmente superata grazie ai lavori di sintesi di Charles Verlinden, che aprì nuove prospettive di ricerca sull'argomento. Prendendo il suo contributo come punto di partenza, siamo oggi in grado di ritracciare varie componenti e tipologie di schiavitù nel Medio Evo e in età premoderna.

Vi è un altro preconcetto non ancora del tutto superato nella coscienza contemporanea, e cioè che la schiavitù – intesa nel senso pieno della parola - fosse un fenomeno piuttosto marginale in epoca medievale, in cui prevaleva piuttosto la servitù della gleba. In realtà, gli schiavi domestici, ma anche quelli destinati alla lavorazione della terra erano assai numerosi, non solo nei periodi di guerre e conquiste, ma anche come un fenomeno permanente, e ancor più in seguito ad epidemie devastanti, come la famosa Peste Nera del Trecento, quando la mancanza di manodopera fu riequilibrata dall'importazione cospicua di schiavi dall'Oriente.

Dopo Verlinden si sono susseguiti rilevanti contributi di molti studiosi. Cito solo alcuni nomi, senza pretendere di essere esauriente, giacché il mio scopo non è quello di elencare la molteplicità dei lavori sull'argomento, ma di evidenziare qualche approccio particolarmente significativo, che ha influenzato anche le successive linee di ricerca. Negli ultimi quarant'anni numerosi studiosi hanno lavorato sul tema, esaminandone molteplici aspetti e la diverse evoluzione nelle varie regioni europee. Basti citare le opere di Jacques Heers[1], Domenico Gioffré[2], Michel Balard[3], Henri Bresc[4], Laura Balletto[5], Kenneth Morgan[6], Francesco Panero[7] Ruth

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[1] J. HEERS, *Esclaves et domestiques au Moyen Age dans le monde méditerranéen*, Paris 1981.

[2] D. GIOFFRÉ, *Il mercato degli schiavi a Genova nel secolo XV*, Genova 1971.

[3] M. BALARD, *La Romanie Génoise (XIIe-début du XVe siècle)*, Roma-Genova 1978, II ; IDEM, *Esclavage en Crimée et sources fiscales Génoises au XIVe siècle*, in "Byzantinische Forschungen", 22, 1996), pp. 9-17 ; IDEM, *Giacomo Badoer et le commerce des esclaves*, in *Milieux naturels, espaces sociaux. Études offertes à Robert Delort*, Paris 1997, pp. 555-564 ; IDEM, *La femme esclave à Gênes à la fin du Moyen âge*, in *La femme du Moyen âge*, Paris 1990, pp. 299-310.

[4] H. BRESC, *L'Esclave dans le monde méditerranéen des XIVe et XVe siècles: problèmes politiques, religieux et moraux*, in *XIII Congrés d'Història de la Corona d'Aragò (Palma de Mallorca, 27 setembre–1 octubre 1987)*, Palma de Mallorca 1990 (Ponències), pp. 89-102.

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantecinquesima settimana di studi", 14-18 aprile 2013*

Mazo Karras[8], Marcus Cerman[9] , Benjamin.Kedar[10] , Gillian Weiss[11] e molti altri, per concludere con l'enciclopedia della schiavitù mondiale pubblicata da Junius P. Rodriguez a Santa Barbara nel 1997[12] e con un lavoro di sintesi sul commercio degli schiavi nell'Atlantico, che ha visto la luce nel 2006[13]. Ancor più recentemente, rifacendosi a quelle sintesi, Igor Filippov dell'Università di Mosca ha cercato d'esaminare il lungo processo di trasformazione della schiavitù antica e alto medievale non solo nel *servaggio* o schiavitù della gleba, ma anche nel lavoro dipendente, poco conosciuto e difficilmente rilevabile, ma diffuso prima di tutto nei castelli e nelle città medievali[14].

Orlando Patterson[15] seguendo la tradizione della scuola di antropologia culturale, ha sostenuto che la schiavitù è un'istituzione intrinseca e ineliminabile della società umana, legata ai rapporti di potere e quindi non sempre collegata coll'organizzazione della produzione e l'efficienza economica. Nell'ambito della stessa tradizione William D. Phillips ha sottolineato la continuità ininterrotta del fenomeno della schiavitù da Roma Antica fino all' età moderna. Un fenomeno che, sia pure con alcune deviazioni, si fondava su tre elementi principali: 1) lo schiavo era considerato come un oggetto di proprietà del padrone; 2) era sottintesa la sua "morte sociale", cioè, la privazione di qualsiasi libertà e di tutti i diritti sociali; 3) la "natura prevalentemente esogena della schiavitù", cioè l'origine esterna degli schiavi. Sono proprio questi tre elementi a distinguere la schiavitù "classica" da quella della gleba[16].

Anche Robin Blackburn[17] asserisce che la schiavitù è stata un istituto organico in vigore senza interruzioni in Europa dall'Impero Romano fino all'epoca moderna.

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[5] L. BALLETTO, *Stranieri e forestieri a Genova: schiavi e manomessi (sec.XV)*, in *Forestieri e stranieri nelle città basso-medievali. Atti del Seminario int. di studi*, Firenze 1988, pp. 263-283.

[6] K. MORGAN, *Slavery, Atlantic Trade and British Economy, 1660-1800,* Cambridge 2001.

[7] F. PANERO, *Servi e rustici. Ricerche per una storia della servitù e della libera dipendenza rurale nell'Italia medievale*, Vercelli 1990.

[8] R.M. KARRAS, *Slavery and Society in Medieval Scandinavia*, New Haven 1988.

[9] M. CERMAN, *Villagers and Lords in Eastern Europe, 1300-1800*, Basingstoke 2012.

[10] B.Z. KEDAR, *The Subjected Muslims of the Frankish Levant*, in *The Crusades: The Essential Readings*, a c. di TH.F. MADDEN, Blackwell 2002, pp. 233-264.

[11] G. WEISS, *Captives and Corsairs: France and Slavery in the Early Modern Mediterranean*, Stanford CA 2011.

[12] *The Historical Encyclopedia of World Slavery,* a c. di J.P. RODRIGUEZ, I, *A-K*; II, *L-Z*, Santa Barbara 1997.

[13] *The Altantic Slave Trade*, 1, *Origins – 1600*, a c. di J. BLACK, Ashgate 2006.

[14] I. FILIPPOV, *Les élites et la richesse à Arles à l'époque de Saint Césaire*, in *Actes du colloque international «Les élites et la richesse au haut Moyen Âge»*, Bruxelles, 13-15 mars 2008, a c. di J.-P.DEVROEY, L.FELLER, R. LE JAN, Turnhout 2010, pp. 183-220; IDEM, *Ot raba k rabotniku. Istoriya termina mancipium i imeni Mancip v Srednie veka*, in *Imenoslov. Istoriya yazyka. Istoriya kul'tury*, a c. di F.B. USPENSKIJ, St Petersburg 2010, pp. 64-98.

[15] O. PATTERSON, *Slavery and Social Death: A Comparative Study*, Cambridge MA/London 1982.

[16] W.D. PHILLIPS, *Slavery from Roman Times to the Early Transatlantic Trade*, Manchester 1985.

[17] R. BLACKBURN, *The Making of New World Slavery: From the Baroque to the Modern, 1492-1800*, New York/London 1997.

Benché nel tardo Medioevo la schiavitù non svolgesse un ruolo economico molto importante, nella mentalità Europea si era radicato il concetto dell'ammissibilità del fenomeno, in coerenza con il principio della legittimità di ridurre in schiavitù gli "infedeli" e i pagani. Una tesi - ha affermato lo studioso - presa in prestito dall'Islam. Allo stesso tempo, prendeva corpo una nuova forma di schiavitù - quella coloniale - non correlata direttamente a quelle fino ad allora esistenti in Europa, e le cui caratteristiche distintive erano di natura commerciale. Lo sviluppo dei pregiudizi razziali è servito in passato per giustificare nella coscienza pubblica l'uso della schiavitù da parte dei proprietari di piantagioni. Nondimeno Blackburn ha sostenuto che le cause del fenomeno non vanno ricercate tanto in quei pregiudizi, quanto piuttosto in un fenomeno economico: il forte aumento della domanda di zucchero in Europa e soprattutto in Gran Bretagna.

Debra Blumenthal ha messo in dubbio la contrapposizione, diffusa nella storiografia moderna, tra due tipi di schiavitù: quella mediterranea, "urban, domestic and artisanal in character, ethnically diverse", non di rado di carattere temporaneo, e quella atlantica, dei piantatori, basata sulla discriminazione razziale. Essa ha rifiutato l'affermazione che la schiavitù medievale, con prevalenza dei servi domestici fosse più mite in paragone con quella dei piantatori[18], contestando le affermazioni di Patterson[19], secondo il quale in epoca premoderna gli schiavi sovente non erano neanche manodopera, ma costituivano un vero onere per il padrone, fungendo come una sorta di attributo dell'alta posizione del proprietario.

Un nuovo approccio è stato proposto da Alessandro Stella,[20] con il tentativo di trattare coloro che nella storiografia precedente erano stati considerati come oggetti di transazioni commerciali, come veri protagonisti della storia, e di tracciare i loro destini individuali. Interessante il contributo di Steven Epstein[21], che si è proposto di esaminare non solo l'istituto della schiavitù, ma prima di tutto la formazione del linguaggio usato per descriverlo, the "language of slavery", ricorrendo ai metodi della semiotica. Facendo uso degli atti notarili genovesi, Epstein ha rilevato che il significato culturale della schiavitù medievale fu sproporzionatamente superiore rispetto al suo ruolo economico.

Secondo David Wyatt[22] le interpretazioni contemporanee dell'istituto della schiavitù medievale sono profondamente legate ai pregiudizi formatisi nel periodo della lotta per la sua abolizione. Gli studi più recenti registrano una persistente tendenza a respingere gli sforzi dei medievalisti del passato (come E.A. Freeman, Dorothy Whitelock, E.I. Bromberg, D.J.V. Fischer, H.R. Loyn ed altri) di "nobilitare" la schiavitù anglosassone, vista in parte come una forma di assistenza materiale ai poveri, oppure di sottolineare l'inefficienza del lavoro forzato degli schiavi.

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[18] D. BLUMENTHAL, *Enemies and Familiars: Slavery and Mastery in Fifteenth-Century*, Valencia/Ithaka, NY 2009

[19] O. PATTERSON, *Slavery and Social Death*, Cambridge MA / London 1982

[20] A. STELLA, *Histoires d'esclaves dans la Péninsule Ibérique*, Paris 2000.

[21] S.A. EPSTEIN, *Speaking of Slavery: Color, Ethnicity, and Human Bondage in Italy*, Ithaka NY 2001.

[22] D.R. WYATT, *Slaves and Warriors in Medieval Britain and Ireland, 800-1200*, Leiden/Boston 2009.

Un fenomeno particolare e molto interessante è quello dell'esistenza di schiavi cristiani nel mondo Islamico; un tema analizzato da Jarbel Rodriguez[23] nell'emirato di Granada del Due-Quattrocento e sul quale io stesso ho avuto modo di misurarmi, lavorando sul commercio degli schiavi nel Mar Nero. Ho potuto registrare che i mercanti, prevalentemente musulmani, tentarono di sostituire i mercati principali, come Caffa e Costantinopoli/Pera, dove esisteva il controllo dell'Ufficio di Sant'Antonio, con i porti minori dell'Anatolia, Bursa e Samo. Lo scopo è evidente: si cercava di evitare il battesimo degli schiavi non cristiani e di poter esportare gli schiavi cristiani nei paesi islamici, Egitto in primo luogo[24].

Una storia del tutto diversa è quella che caratterizza il fenomeno nei paesi dell'Est europeo. Dovrei richiamare l'attenzione su una vastissima storiografia russa sul servaggio, poco conosciuta in Occidente, come le opere di L.V.Milov, L. V. Danilova, S.M. Kaschtanov, V.B.Kobrin, V.I. Koretskij, N.A.Gorskaya, V. M. Paneiakh, A. G. Man'kov, I.Ya. Froyanov[25] e molti altri[26]. Lo stesso dovrei dire a proposito della storiografia polacca, ceca, ungherese e di altri paesi dell'Europa centro-orientale. In questa sede posso solo citare l'osservazione di L.V. Milov, che cerca di spiegare la natura economica e sociale della servitù della gleba russa con le condizioni geografiche e geopolitiche dello Stato. Con una interpretazione esattamente opposta, P. Kolchin ha paragonato la schiavitù americana e la servitù della gleba russa, ponendo l'accento sulle coincidenze cronologiche e sulle somiglianze sostanziali tra i due sistemi economici inizialmente dissimili[27], mentre Tracy Dennison propone di rivedere la riforma russa del 1861 come "a missed opportunity" di abolire il sistema creato ma poco controllato dallo Stato. Markus Cerman, con ragione, ha accentuato la diversità dei fenomeni nascosti nella terminologia, troppo larga e imprecisa dal suo punto di vista, di *Gutscherrschaft*, oppure *demesne lordship*. Lo stesso studioso si oppone al concetto di stagnazione economica dei paesi dell'Europa orientale dovuta all'esistenza della schiavitù[28].

Per concludere questo excursus, vorrei citare due problemi particolari: il primo è rappresentato dalla integrazione degli schiavi nella società dopo la manomissione, recentemente per esempio da Salvatore Bono[29], Michele Luzzati[30] ed altri. Esiste anche un dilemma opposto: perché e in che modo la gente delle varie zone d'Oriente (e non solo d'Oriente) abbia venduto i propri figli e figlie in schiavitù ai mercanti occidentali. Questo tema è noto, ma meno studiato nei dettagli. Sappiamo

[23] J. RODRIGUEZ, *Captives and Their Saviors in the Medieval Crown of Aragon*, Washington D.C. 2007.

[24] S.P. KARPOV, *Rabotorgovlya v Yuzhnom Prichernomor'e v pervoi polovine XV v. (preimushestvenno po dannym massarij Kaffy)*, in "Vizantijskij Vremennik", 46, 1986, pp. 139-145; IDEM, *Ital'yanskie morskie respubliki i Yuzhnoe Prichernomor'ye v XIII-XV vv.: problemy torgovli*, Mosca 1990, pp.166-167.

[25] I.YA.FROYANOV, *Zavisimye ljudi Drevnei Rusi (tchel'jad', holopy, danniki, smerdy)*, Moscow 2010.

[26] Ora v. I. FILIPPOV, *La naissance du servage russe. Un survol de l'historiographie contemporaine*, in *Nouveaux servages et société en Europe (XIIIe-XXe siècle)*. Actes du colloque de Besançon, 4-6 octobre 2007, a c. di N. CARRIER, Caen 2010 (Bibliothèque d'Histoire Rurale, 11), pp. 333-382.

[27] P. KOLCHIN, *Unfree Labor. American Slavery and Russian Serfdom*, Cambridge MASS 1987.

[28] M. CERMAN, *Villagers and Lords*, cit..

[29] S. BONO, *Schiavi musulmani nell'Italia moderna. Galeotti, vu' cumprà, domestici*, Roma 1999.

[30] M. LUZZATI, *Schiavi e figli di schiavi attraverso le registrazioni di battesimo medievali: Pisa, Gemona del Friuli, Lucca*, in *La Schiavitù nel Mediterraneo*, "Quaderni storici", 107, 2001, pp. 349-362.

bene che talvolta (ma non sempre) gli aborigeni pensavano di poter così salvare la loro prole dalla fame e dalla penuria.

Se questo è un sintetico disegno dello "stato dell'arte", consentitemi di rilevare alcuni principali problemi e questioni metodologiche che non sono ancora del tutto sciolti, o meritano comunque un ulteriore approfondimento.

Prima di tutto, quando si parla di storia della schiavitù e del servaggio, è importante precisare con chiarezza di quale sistema economico si tratta, e il tipo di schiavitù, tenendo conto della diversità profonda e essenziale tra la servitù cosiddetta classica e servitù della gleba, oppure *servage*, come forma di dipendenza dei contadini. Le due forme talvolta coesistevano e si distinguevano nello stesso paese e anche nello stesso villaggio. Per evitare la confusione faccio appello all'esattezza terminologica. Il pluralismo dei termini nelle fonti richiede ora la precisione delle definizioni.

Parlando della schiavitù in senso proprio si possono distinguere moltissimi problemi e vari approcci, di taglio sia economico che sociale, che meriterebbero ulteriore approfondimento e ricerche integrate. Mi limito a proporne un elenco.

- da dove provenivano gli schiavi;
- dove furono comprati (cioè, bisogna precisare di quale mercato degli schiavi si tratta);
- dove furono esportati;
- modalità e costo del trasporto;
- chi erano (ovvero loro origine etnica, sesso, età);
- problemi di salute, condizione fisica e malattie tipiche, durata della vita degli schiavi;
- differenza dei prezzi nel luogo d'acquisto, nel luogo di distribuzione e durante le transazioni successive;
- a quale uso erano destinati
- servitù eterna e servitù temporanea. Come/ quando e a quale condizione si eseguiva la manomissione;
- proprietà illimitata e limitata, grado di autogestione e di autonomia degli schiavi;
- stato civile e condizioni economiche dopo una possibile manomissione;
- comportamento degli schiavi e loro relazioni con i padroni. Concubinato con i padroni, con altre persone libere e problemi della loro prole;
- autocoscienza degli schiavi. Livello di integrazione nella società eterogena.

Consentitemi di concludere questo breve intervento con l'esempio di una ricerca in corso, che si propone di osservare la tendenza generale nel commercio degli schiavi fra Venezia e le aree di Tana (Azov) e della foce del Don - dove c'era un importante insediamento Veneziano. Come termine di confronto suggerirei di utilizzare gli atti di due notai: Benedetto Bianco che ha rogato a Tana subito dopo

la crisi politica ed economica negli anni 1359-60[31], e Vittore Pomino, che lavorava a Venezia quasi un secolo più tardi, negli anni 1434-1443. Spogliando 383 atti di Bianco abbiamo trovato riferimenti a 126 transazioni con gli schiavi. Fra questi si annoverano 103 femmine (81,7%) e 23 maschi. In 117 atti riguardanti il commercio degli schiavi di Pomino abbiamo 91 femmine (77,8%) e 26 maschi. La proporzione è quasi simile, con notevole prevalenza delle donne. La distribuzione etnica è la seguente:

Etnie degli schiavi nei regesti di Benedetto Bianco e di Vittore Pomino

Etnie	B.Bianco (1359/60)			V.Pomino(1434/43)		
	f	m	Totale	f	m	Totale
Abcasi				3		3
Alani	3	1	4	1		1
Albanesi/Bulgari				1		1
Armeni	1		1			
Circassi	20	1	21	13	1	14
Cinesi	1		1			
Ebrei	1		1			
Greci	1		1			
Mongoli	11	5	16			
Russi	5		5	45	14	59
Tatari	59	13	72	27	11	38
Non indicato	1	3	4	1		1
TOTALE	103	23	126	73	26	117

I due dossier ci segnalano la prevalenza delle donne d'origine mongolo-tatara, russa e circassa. Ma le proporzioni cambiano. La minoranza russa degli anni 1359-60 diventa maggioranza negli anni 1434-1443. Il perché si spiega tenendo conto della situazione politica. La destabilizzazione nell'Orda d'Oro a partire dagli anni '60 del Trecento causò scorrerie non controllate dei tatari nell'area dei principati russi, aumentando considerevolmente il numero di schiavi slavi venduti sui mercati dal Mar Nero sino a Genova e Venezia.

La distribuzione degli schiavi per età e sesso è la seguente:

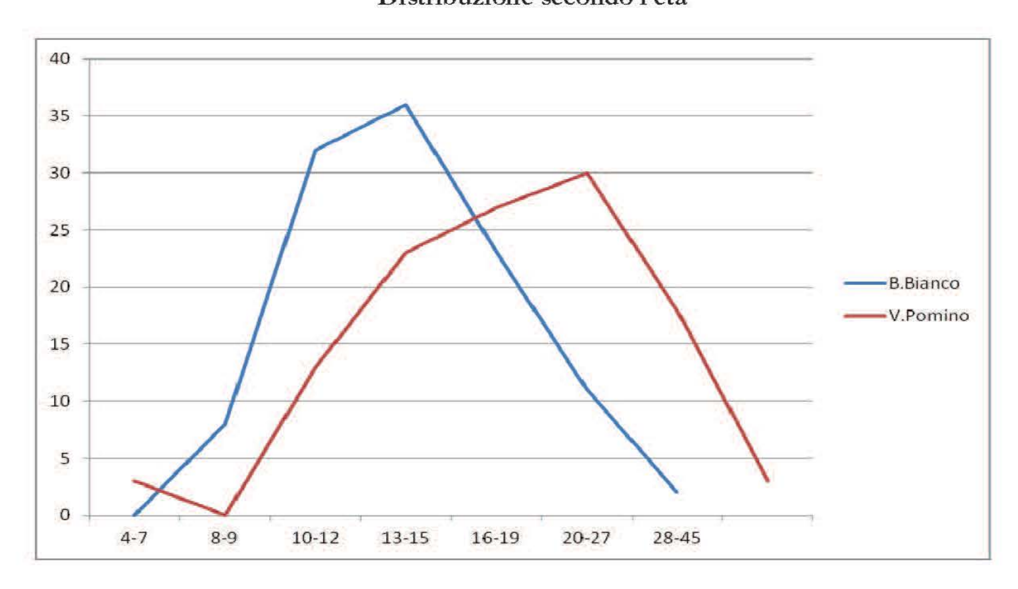
Distribuzione degli schiavi per età e sesso

Età	**B.Bianco (1359/60)**			**V.Pomino(1434/43)**		
	F	M	Totale	F	M	Totale
4-7				1	2	3
8-9	6	2	8			

[31] ARCHIVIO DI STATO DI VENEZIA (in seguito ASV), *Cancelleria Inferior*, 19, cart. 1; S.P. KARPOV, *Venezianskaya Tana po aktam kanzlera Benedetto Bianco (1359-60 gg.)*, in *Prichernomor'e v Srednie* veka, a c. di S.P. KARPOV, Moscow/S. Petersburg 5, 2001, pp. 9-26.

10-12	23	9	32	6	7	13
13-15	33	3	36	14	9	23
16-19	20	3	23	23	4	27
20-27	8	3	11	28	2	30
28-45	2		2	17	1	18
Non indicato	10	4	14	2	1	3
Totale	102	24	126	91	26	117

Distribuzione secondo l'età



E' evidente un certo aumento dell'età degli schiavi in vendita sia per il mercato d'acquisto (Tana) che per il mercato di distribuzione (Venezia), mentre la disponibilità complessiva degli schiavi del Mar Nero sui mercati è diminuita.

Il prezzo medio di uno schiavo a Tana nel 1359-60 consisteva in 579 aspri oppure 18,1-19,3 ducati (calcolando 1 ducato uguale da 30 a 32 aspri)[32]. Le donne costavano di più, con una media di 614 aspri. A Venezia negli anni 1434-1443 il prezzo medio fu di 44,8 ducati. Il prezzo medio per le donne - 46,67 ducati. L'aumento del prezzo fu cospicuo, pur tenendo conto della differenza del luogo di provenienza (Tana) e del mercato a Venezia. Il prezzo massimo è registrato nel Trecento per le donne d'età da 13 a 16 anni e nel Quattrocento da 16 a 24. Il prezzo reale di una schiava dipendeva, certamente, dall'età e dalle caratteristiche etniche, come anche da parametri poco rappresentati nei documenti, come bellezza, salute, forza, resistenza, morigeratezza ecc., ecc. Vengono segnati soltanto i difetti più

[32] ASV, *Senato*, Misti, XLVIII, f 134v (F. THIRIET, *Régestes des délibérations du Sénat de Venise concernant la Romanie*, Paris/La Haye 1959, 2, N 1369): 2.04.1410, il corso normativo anteriore al 1410: 1 ducato=30 aspri; P. SPUFFORD, *Handbook of Medieval Exchange*, London 1986, p. 290.

gravi (con il conseguente abbassamento del prezzo), tra cui anche la condizione di gravidanza.

Parlando degli schiavi, si può scoprire il fenomeno del cambiamento dei nomi propri. Talvolta ciò accadeva in seguito al battesimo, ma non di rado il nome pote-va essere cambiato anche nel caso in cui, diciamo per un cristiano ortodosso, il battesimo non era necessario. Ne abbiamo parecchi esempi nel dossier di Bianco, come anche in quello di Pomino e di molti altri. E' chiaro, perché una Tatara Sarambin diventa Maddalena[33], ma è meno evidente, perché una slava Anna venga rinominata Margherita[34].

Anche il trasporto degli schiavi era assai costoso e non di rado divenne oggetto di abusi da parte dei padroni delle navi nei confronti dei mercanti. Per normalizzare la situazione, il 30 aprile 1423 il Senato di Venezia prese la decisione di fissare il pagamento per il trasporto di una "testa" da Tana a Venezia alla somma di 4,5 ducati, cui si aggiungeva la stessa somma per l'alimentazione[35]. Di conseguenza, il prezzo di uno schiavo oppure una schiava aumentava automaticamente di 9 ducati in confronto al prezzo a Tana..

I libri di conto, le famose Massarie di Caffa, ci danno un esempio della quantità di schiavi esportati dai Genovesi dall'area del Mar Nero dalla fine del Trecento fino agli anni Sessanta del Quattrocento. Si tratta di un quantitativo che andava da qualche centinaio di "teste" fino a poche migliaia[36]. La conquista Ottomana avrebbe incrementano la cifra di dieci volte e più. Tuttavia siamo in un periodo diverso…

Dunque la diversità riflette la notevole differenza delle possibili valutazioni come anche l'enorme vastità dell'argomento nonché degli approcci storiografici al tema proposto per la nostra Settimana. Grazie!

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[33] ASV, *Cancelleria Inferior*, 149/5, carte non numerate :1442.08.21.

[34] *Ibid.*: 1443.04.10.

[35] ASV, *Senato*, Misti, LIV, f.102r-v; F. THIRIET, *Régestes*, cit., T.2, N 1879; B. DOUMERC, *Les Vénitiens à la Tana au XVe siècle*, in "Le Moyen âge", 94, 1988, 34, pp.363-379, 370.

[36] S.P. KARPOV, *Rabotorgovlya*, cit., pp. 141-144.

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Prato, Aula Magna del Polo Universitario

Il servaggio e il sistema istituzionale

The Serfdom and the institutional system

Relazioni

Presidente della seduta / Chairman: Wim Blockmans

Chris Briggs

English Serfdom, c.1200-c.1350: towards an Institutionalist Analysis[1]

An important chronological focus of discussions of pre-industrial economic growth and non-growth is the later thirteenth and early fourteenth centuries. It is well known that a crisis occurred in many parts of Europe at this time, which marked the end of several centuries of demographic and economic dynamism.[2] Many argue that the twelfth and earlier thirteenth centuries provide indicators of a process of Smithian growth in which the development of towns, trade and markets stimulated specialization and gains in productivity. Others are more sceptical about the claim that the undeniable commercial growth of this period was a genuinely self-sustaining Smithian scenario in which population increase could take place in combination with rising urbanization and the expansion of the non-agricultural sector.[3] Yet all accept that around 1300 serious difficulties were encountered as per capita incomes declined and agricultural labour productivity fell. The problem is how to explain this development.

Serfdom has featured prominently in such discussions. Unsurprisingly, it has formed part of a larger Marxist argument about the causes of the early fourteenth-century crisis. In that argument, the difficulties of this period are viewed as part of a longer term crisis with its roots in the exploitative character of feudal socio-property relations. Interestingly, however, serfdom itself has tended to play a muted role within this account. The present paper looks more directly at serfdom as a set of enforceable restrictions and obligations imposed by landlords and the state upon tenants. It takes its lead from the New Institutional Economics (NIE), a diverse and now very influential mode of investigation through which economists and historians (including, belatedly, medievalists) explore institutions - social arrangements, customs, and laws - and their effects on economic performance.[4] This paper treats serfdom as

[1] In writing this article I have benefitted greatly from the comments and questions of Tracy Dennison, Alexander Klein, Sheilagh Ogilvie, and Paul Warde.

[2] See most recently *Agrarian Change and Crisis in Europe, 1200-1500*, ed. H. KITSIKOPOULOS, London 2012.

[3] R. BRENNER, *Property and Progress: where Adam Smith Went Wrong*, in *Marxist History-Writing for the Twenty-first Century*, ed. C. WICKHAM, Oxford 2007, pp. 49-111.

[4] Examples of recent works which apply the NIE approach to medieval economic history: R.L. HOPCROFT, *Local Institutions and Rural Development in European History*, in "Social science history", 27, 2003, pp. 25-74; C.L. CORBRERA, *El desarrollo de los mercados en una economía regional: el Bajo Aragón, 1250-1330*, in *Crecimiento económico y formación de los mercados en Aragón en la edad media (1200-1350)*, J. ÁNGEL SESMA MUÑOZ, CARLOS LALIENA CORBERA eds., Zaragoza 2009, pp. 187-231; B.J.P. VAN BAVEL, J.

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantecinquesima settimana di studi", 14-18 aprile 2013*

an institution. Serfdom certainly provides a clear example of an institution according to Douglass North's classic definition of institutions as 'the rules of the game in a society', or 'the humanly devised constraints that shape human interaction'.[5]

Of course, there have been previous attempts to treat serfdom as an institution and to consider its possible constraining effects on the medieval economy and the importance of its disappearance for later growth.[6] North and Thomas argued that the obligations of serfdom discouraged the efficient allocation of resources in agriculture, leading to the thirteenth-century productivity decline in this dominant sector.[7] Allen pointed out the danger of ignoring the negative economic effects of medieval institutions like serfdom.[8] Yet these analyses of broad trends by economists and economic historians have tended to remain disconnected from the detailed primary source work on serfdom undertaken by English medievalists. Furthermore, in reaching the verdict that serfdom was an institution 'bad for growth', attention has tended to fall on certain specific (if important) features, such as restriction on serfs' movement.[9] Scope therefore remains for pointing the way towards a more detailed investigation of the mechanics of English serfdom which uses the concepts of NIE and considers the possible link between serfdom and arrested economic growth in the thirteenth and early fourteenth centuries.

English Serfdom: General Characteristics

We begin with some introductory remarks on English serfdom in this period. In doing so we simplify a very complex phenomenon which varied widely from locality to locality and from estate to estate.[10] Moreover, serfdom – or villeinage, to

DIJKMAN, E. KUIJPERS, J. ZUIJDERDUIJN, *The Organisation of Markets as a Key Factor in the Rise of Holland from the Fourteenth to the Sixteenth Century: a Test Case for an Institutional Approach*, in "Continuity and change", 27, 2012, pp. 347-78; J.L. VAN ZANDEN, *The Long Road to the Industrial Revolution: the European Economy in a Global Perspective, 1000-1800*, Leiden 2009; J. EDWARDS, S. OGILVIE, *What Lessons for Economic Development Can we Draw from the Champagne Fairs?*, in "Explorations in economic history", 49, 2012, pp. 131-148.

[5] D.C. NORTH, *Institutions, Institutional Change and Economic Performance*, Cambridge 1990, p. 3. For differing usages of 'institution', see A.K. DIXIT, *Lawlessness and Economics. Alternative Modes of Governance*, Princeton N.J. 2004, pp. 5-7.

[6] For important comments, see B.M.S. CAMPBELL, *Factor Markets in England before the Black Death*, in "Continuity and change", 24, 2009, pp. 79-106, esp. pp. 82-83, 98-99.

[7] D.C. NORTH, R.P. THOMAS, *The Rise of the Western World: a New Economic History*, Cambridge 1973, pp. 59-64.

[8] R.C. ALLEN, *A Review of Gregory Clark's* A farewell to alms: a brief economic history of the world, in "Journal of economic literature", 46, 2008, pp. 946-973, 955-958.

[9] D. ACEMOGLU, S. JOHNSON, J.A. ROBINSON, *Institutions as a Fundamental Cause of Long-run Growth*, in *Handbook of Economic Growth*, 1A, P. AGHION, S.N. DURLAUF eds., Amsterdam 2005, pp. 385-472, 440-441; K.G. PERSSON, *An Economic History of Europe. Knowledge, Institutions and Growth, 600 to the Present*, Cambridge 2010, pp. 81-82.

[10] Key works on English villeinage include F. POLLOCK, F.W. MAITLAND, *The History of English Law before the Time of Edward I*, I-II, Cambridge 1895, I, pp. 337-366, 395-415; P. VINOGRADOFF, *Villainage in England: Essays in English Mediaeval History*, Oxford 1892; R.H. HILTON, *Freedom and Villeinage in England*, in "Past and Present", 31, 1965, pp. 3-19, reprinted in *Peasants, Knights and Heretics*, ed. R.H. HILTON, Cambridge 1976, pp. 174-191 (subsequent references are to this volume); R.H.

use the effectively synonymous term most commonly employed in the historical literature on England – also changed significantly over the medieval centuries.

This essay concentrates on the era of 'common law villeinage', which extended from c.1180 to the Black Death of 1348-9.[11] In the later twelfth century new procedures were introduced by the Angevin kings which greatly increased the range of legal remedies available in the royal law courts, especially those relating to rights in land. These remedies were enthusiastically sought by members of all social groups. Yet the royal courts were not accessible to all: the justices gradually established the doctrine that disputes about title to the landed property of the unfree should not be protected by the royal courts. If it could be shown in the royal court that the holder of a disputed property was a villein, the case was dismissed. Tests were introduced whereby the status of a litigant could be determined, such as his or her liability to pay the lord for permission to marry (the *merchet* fine). Thus excluded from royal justice, disputes about a villein's property came to be reserved for his or her lord's manorial court. The phrase 'common law villeinage' reflects the fact that in this era the courts of the emerging common law played the ultimate role in determining who was and who was not a villein. Thus stimulated by the evolution of royal justice, it was in this period that the legal disabilities of villeins were most carefully elaborated, and that the greatest efforts were made to distinguish between free and unfree.

The villeinage of the 'long' thirteenth century was a complex mix of tenurial and personal obligations. However, while contemporary legal writers did attempt to distinguish between rules attached to the holding and those attached to the person, the normal situation was that a tenant of villein land was also personally unfree. Much discussion has taken place as to what percentage of the population and of landholdings was villein in this period. The available source material does not permit an easy answer. In 1981 Hatcher, building on Kosminsky's work, estimated that 'probably not more than three-fifths of the English tenantry were unfree'.[12] It is difficult to be more precise than this, especially if one allows for the existence of groups of tenants who do not fit easily into either category. The key point for present purposes is that there was a large free element in the peasant population. Although especially concentrated in the east and the southeast, free tenants lived

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HILTON, *The Decline of Serfdom in Medieval England*, London 1983²; J. HATCHER, *English Serfdom and Villeinage: towards a Reassessment*, in "Past and Present", 90, 1981, pp. 3-39, reprinted in *Landlords, Peasants and Politics in Medieval England*, ed. T.H. ASTON, Cambridge 1987, pp. 247-284 (subsequent references are to this volume); P.R. HYAMS, *King, Lords and Peasants in Medieval England. The Common Law of Villeinage in the Twelfth and Thirteenth Centuries*, Oxford 1980; R.J. FAITH, *The English Peasantry and the Growth of Lordship*, Leicester 1997, pp. 245-265; Z. RAZI, *Serfdom and Freedom in Medieval England: a Reply to the Revisionists*, in *Rodney Hilton's Middle Ages: an Exploration of Historical themes*, CH. DYER, P. COSS, C. WICKHAM eds., Oxford 2007, pp. 182-187.

[11] For the novel features of post-plague serfdom, see CH. DYER, *Villeins, Bondmen, Neifs, and Serfs: New Serfdom in England, c.1200-1600*, in *Forms of Servitude in Northern and Central Europe: Decline, Resistance, and Expansion*, P. FREEDMAN, M. BOURIN eds., Turnhout 2005, pp. 419-435, 428-433.

[12] J. HATCHER, *English Serfdom*, cit., p. 251. More recently, Campbell has calculated the respective proportions of free and villein rents on lay manors in the early fourteenth century: B.M.S. CAMPBELL, *The Agrarian Problem in the Early Fourteenth Century*, in "Past and Present", 188, 2005, pp. 3-70, 25-36.

alongside villeins on most manors, and in most localities multi-manor villages were common. Interactions between free and villein were widespread and important.

Marxist and Institutionalist Approaches to Serfdom

It is often observed that there are close similarities between the Marxist and NIE interpretations of economic development in this period.[13] Both approaches emphasize humanly devised structures which are associated with unequal access to resources and income. Both approaches stress the constraints on the peasant economy that resulted from feudal lordship. Those constraints are seen as a major reason for economic slowdown in the late thirteenth and early fourteenth centuries. A Marxist approach can thus argue that increased surplus extraction in the thirteenth century eroded peasant capital and output.[14] Yet a recent study which identifies the 'institutional structure' as the main cause of the early fourteenth-century crisis comes rather close to this Marxist view, since it too emphasizes the redistribution of wealth from peasantry to lords.[15] In existing work, therefore, the distinctiveness of an NIE interpretation of economic change in this period is not immediately apparent.[16]

It is the contention here, however, that the NIE approach can indeed make a distinctive and valuable contribution to understanding of this era through an analysis of serfdom and its effects. In Marxist accounts of medieval economic development serfdom, as already noted, is a secondary concept. Their primary focus is instead on the extraction of surplus from peasant producers in possession of the means of production, via feudal rent. Feudal rent could be taken in money, in kind, or in labour. The degree to which the level of such rent could be increased by lords arbitrarily and through extra-economic coercion has been an important focus of discussion. Clearly, in this approach the concept of serfdom must be related in some way to the concept of feudal rent. However, the relationship is not obvious. On occasion, 'serfdom' is simply the name given to the key surplus

[13] D.C. NORTH, *Institutions*, cit., pp. 132-134; S.R. EPSTEIN, *Freedom and Growth: the Rise of States and Markets in Europe, 1300-1750*, London 2000, pp. 5-7; H. KITSIKOPOULOS, *Introduction*, in *Agrarian Change and Crisis*, cit., pp. 1-22, 6-7.

[14] M. DOBB, *Studies in the Development of Capitalism*, London 1946, pp. 42-9; R. BRENNER, *Agrarian Class Structure and Economic Development in Pre-industrial Europe*, in *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-industrial Europe*, ed. T.H. ASTON, Cambridge 1985, pp. 10-63, 31, 33; R. BRENNER, *Property Relations and the Growth of Agricultural Productivity in Late Medieval and Early Modern Europe*, in *Economic Development and Agricultural Productivity*, A. BHADURI, R. SKARSTEIN eds., Cheltenham 1997, pp. 9-44, 25-28. For comment on this approach see also J. HATCHER, M. BAILEY, *Modelling the Middle Ages: the History and Theory of England's Economic Development*, Oxford 2001, pp. 72-74, 78, 157, and M. BAILEY, *Villeinage in England: a Regional Case Study, c.1250-c.1349*, in "Economic history review", 62, 2009, pp. 430-457, 430.

[15] H. KITSIKOPOULOS, *England*, in *Agrarian Change and Crisis*, cit., pp. 23-56, 45-47.

[16] For an important alternative interpretation of this period which combines Marxist and institutionalist ideas among others, see B.M.S. CAMPBELL, *The Agrarian Problem*, cit..

extraction relationship.[17] More often, it is accepted that a detailed understanding of serfdom as defined here – as a complex set of obligations and disabilities displayed by peasants of a particular tenure and status – is not necessary for an appreciation of the essential character of feudalism. Commentators in the Marxist tradition thus display a striking tendency to limit detailed discussion of serfdom *per se*, as they concentrate on the central issues of feudal exploitation and rent.[18]

By contrast, a discussion of serfdom which draws on NIE is obliged to look in much greater detail at the operation of serfdom. It makes a distinction between the rent that flowed from serfs to lords, and a wider set of rules and impositions through which lords tried to assert proprietorship over their tenants, and retain them as a future source of revenue. This distinction was recognized in an early essay by Hilton. Hilton, displaying the typical Marxist focus on feudal rent, described its various forms, arguing that it included transfers in cash, labour and kind, as well as other regular servile levies such as tallage. He recognized, however, that there was a wider set of servile disabilities which could not so easily be included within feudal rent. Hilton neatly described these as 'a group of regulations ... intended to guarantee the conditions under which the peasant surplus or rent could be transferred'.[19] He went on to outline a series of restrictions on movement and the disposal of property. It is these regulations, rather than feudal rent, that are the focus here. Some of these regulations generated revenue for the lord, but they mainly did so in an irregular and unpredictable fashion only, and this was perhaps not their primary purpose. The importance of this dimension of serfdom is that the rules and obligations under discussion structured peasant incentives when they engaged in market exchange.

Villeinage is thus conceived in what follows primarily as a set of rules of conduct which resulted in penalties if the villein infringed and was detected. The package of potential rules at a landlord's disposal was large and varied, though all landlords were selective in the rules they sought to impose and enforce.[20] The manor courts, held by and for landlords and attended by their tenants and other local people, provided the main means of enforcement of the rules of villeinage. Landlords placed heavy reliance on local juries responsible for reporting matters of seigniorial concern to these courts. The records of the manor courts provide our key source of evidence. Yet while villeinage was primarily enforced at the manorial level, we should remember that the state, via the royal courts of common law, was also a major player in defining the relationship between lords and their villeins.

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[17] E.g. M. DOBB, *Studies*, cit., pp. 35-6; R.H. HILTON, *Introduction*, in *The Transition from Feudalism to Capitalism*, ed. R.H. HILTON, London 1976, pp. 9-30, esp. pp. 14, 30; R. BRENNER, *The Agrarian Roots of European Capitalism*, in *The Brenner Debate*, cit., pp. 213-327, 264.

[18] E.g. R.H. HILTON, *Introduction*, cit.; IDEM, *A Crisis of Feudalism*, in *The Brenner Debate*, cit., pp. 119-37, 124-125; R. BRENNER, *The Rises and Declines of Serfdom in Medieval and Early Modern Europe*, in *Serfdom and Slavery: Studies in Legal Bondage*, ed. M. BUSH, Harlow 1996, pp. 247-276.

[19] R.H. HILTON, *Peasant Movements in England before 1381*, in "Economic history review", 2, 1949, pp. 117-136, reprinted in *Essays in Economic History Volume Two*, ed. E. CARUS-WILSON, London 1962, pp. 73-90, quotation at p. 76 (subsequent references are to this volume).

[20] For this theme, see M. BAILEY, *Villeinage in England*, cit.

PROPERTY RIGHTS AND TRANSACTION COSTS

The prospects for sustainable pre-industrial economic growth are generally assumed to have depended on the development of open and efficient commodity and factor markets, accessible to all social groups. The development of such markets would have stimulated investment and specialization by peasant producers, among others. It is widely recognized that English commodity and factor markets emerged in the thirteenth century or earlier, and that villeins participated in them.[21] Villeinage, however, had the potential to act as an institution working against the development of open and efficient markets. How far was this the case?

In investigating this problem, attention is focused on NIE's key concepts of property rights and transaction costs. It is asked how far English villeinage inhibited market development by keeping property rights weak and transaction costs high. Villein property rights are defined here broadly as the right to dispose of land, movable possessions and labour without reference to or interference from a landlord. Transaction costs, according to one very useful definition, consist of search and information costs, bargaining and decision costs, and policing and enforcement costs.[22] In what follows, no attempt is made to distinguish systematically between property rights and transaction costs when discussing the effects of an institutional feature of villeinage. Such a distinction is not always easy to make and is not obviously worthwhile. For instance, the rule that an entry fine should be paid to the lord as the condition of the transfer of a piece of villein real property can be viewed either as a feature (arguably a weakness) of villein property rights, or as a transaction cost entailed in this form of property transfer. It is sufficient to note that we are discussing rules of villeinage that had the potential either to weaken property rights, or to raise transaction costs, or both.

The participation of villeins in different categories of market is considered below. Drawing mainly on secondary studies, evidence is presented on those rules of villeinage with the potential to affect villein market involvement.[23] Freeholding peasants were also affected by these rules, in so far as they transacted with villeins. Therefore attention is given to market transactions between free and villein, as well as among villeins.

Before turning to the rules of villeinage, some final remarks on feudal rent are necessary. In particular, the lack of attention given here to labour rent may appear to require justification. Forced labour is often viewed as a quintessential feature of serfdom. English villeins were required to perform labour services on the demesnes of their landlords. One might imagine that labour services were a significant obstacle to villein market involvement. But recent research has found that labour services were relatively unimportant as a form of rent in this period. On many

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[21] B.M.S. CAMPBELL, *Factor Markets*, cit.

[22] S. OGILVIE, *'Whatever Is, Is Right'? Economic Institutions in Pre-industrial Europe*, in "Economic history review", 60, 2007, pp. 649-684, 656, drawing on C.J. DAHLMAN, *The Problem of Externality*, in "Journal of law and economics", 22, 1979, pp. 141-162. For another, broadly similar definition of transaction costs, see D.C. NORTH, *Institutions*, cit., p. 46.

[23] Those rules which do not seem directly relevant to market participation, such as the fine imposed on a villein woman who had sex outside marriage (*leyrwite*), are ignored.

manors tenants did not owe labour services. Where labour services were owed they often did not have to be performed, but could be paid in money instead. In terms of their cash valuation, labour services were a relatively insignificant part of the villein rent package. Taking all this into account, Campbell estimates that in the early fourteenth century landlords as a class received about 90 per cent of their rents in the form of cash. In a period of abundant population, landlords generally preferred to work their demesnes with hired labour. Villein labour was less motivated and harder to supervise than hired labour.[24] The broader idea that villein rents in general were high and rising in the thirteenth century has also been attacked. On most estates the power of custom prevented landlords from raising rents in line with rising prices and land values.[25] Villeinage may have been responsible in some way for the economic problems of the later thirteenth and early fourteenth centuries. But it is either too simplistic or inaccurate to point to high levels of feudal rent as the cause. Instead, a fuller picture of the rules of villeinage is required.

Commodity Markets

It is well known that markets for primary products and manufactured goods were extensive in England in this period. Much of this trade took place at chartered markets and fairs, many of them rural, which increased greatly in number in the first half of the thirteenth century. Peasants sold their surpluses on the market and bought a wide variety of manufactured goods and raw materials which they could not produce themselves. Villeins, who formed some of the most prosperous groups within non-seigniorial society, were widely involved in the market economy.[26] Yet to what extent did the rules of villeinage inhibit the market exchange of goods?

In order to be able to participate fully in commodity markets, villeins needed to be able to travel beyond their home manors to sell goods and make purchases. There appears to have been no rule preventing the temporary absence of villeins from their lordships.[27] However, one occasionally glimpses attempts by lords to dictate the location of their villeins' marketing activities. In the early fourteenth century, the bishop of Ely appointed six local men to report whether any of his villeins travelled outside the manor to sell grain or animals in external markets, to the detriment of the lord's market at Balsham (Cambridgeshire). Offenders risked

[24] B.M.S. CAMPBELL, *The Agrarian Problem*, cit., p. 37. See also B.M.S. CAMPBELL, *The Land*, in *A Social History of England, 1200-1500*, R. HORROX, W.M. ORMROD (eds.), Cambridge 2006, pp. 179-237, 212-13; CH. DYER, *Making a Living in the Middle Ages: the People of Britain 850-1520*, New Haven/London 2002, pp. 133-4.

[25] B.M.S. CAMPBELL, *The Agrarian Problem*, cit., pp. 40-4; J. KANZAKA, *Villein Rents in Thirteenth-Century England: an Analysis of the Hundred Rolls of 1279-80*, in "Economic history review", 55, 2002, pp. 593-618. These studies develop the arguments of J. HATCHER, *English Serfdom*, cit..

[26] J. MASSCHAELE, *Peasants, Merchants and Markets: Inland Trade in Medieval England 1150-1350*, Basingstoke/London 1997.

[27] P.R. HYAMS, *King, Lords and Peasants*, cit., p. 33.

financial punishment.[28] This kind of restriction, however, does not appear to have been widespread.[29]

A more fundamental issue is that of villein property rights in movable goods. In the strict theory that emerged from the royal common law, the lord was the rightful owner of the villein and all his property. Yet while this position sometimes provided a useful legal fiction, it is accepted that in most circumstances the villein was recognized as enjoying full property rights in goods and chattels. A good illustration of this is that royal taxes were assessed on the value of villein possessions and livestock without any suggestion that those goods were actually the property of the villeins' lords.[30] Furthermore, through the civil actions of debt, detinue and trespass the manor courts allowed villeins to recover goods and chattels withheld by other peasants, and to seek damages for trespasses against their property. Villeins therefore did enjoy substantial rights in movable property which were backed up by the formal legal system.

Notwithstanding this generalization, there are hints of limits to villein ownership of goods and livestock. In particular, manorial custumals and surveys, which list the obligations of villein tenants, often note that the villein was obliged to pay for a licence to sell or slaughter certain livestock, such as pigs or horses.[31] The basis for this requirement is unclear, but it presumably reflects the idea that the lord was ultimate proprietor of stock on the tenant holding. Such a payment would obviously represent an unwelcome additional charge on livestock sales by villeins. Yet although the licence to sell livestock routinely appears in surveys as a potential disability of villeinage, evidence for its enforcement is much rarer.[32]

The ability of villeins to effect recovery of withheld movables, and therefore to establish their rights in those movables, has been noted above. Closely related to this is the power to make enforceable contracts related to debts and sales of various kinds. Villein participation in commodity markets is likely to have been severely hampered if villeins could not make contracts enforceable through the formal system of courts. It is argued here that, in general, villeins could successfully make and enforce such agreements. Yet the options for contract enforcement open to villeins depended on the identity of the parties involved, and the nature of the disputed transaction.

First we consider the situation where a villein wished to enforce a contract against another party, whether villein or free. Where both parties to such a contract

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[28] LONDON METROPOLITAN ARCHIVES, ACC/1876/MR/02/001 (Balsham court roll, 17 October 1321).

[29] For a similar but later (1363) example from Halesowen (Worcestershire), see R.H. HILTON, *The English Peasantry in the Later Middle Ages*, Oxford 1975, p. 43.

[30] P.R. HYAMS, *King, Lords and Peasants*, cit., pp. 17-24; J. HUDSON, *The Oxford history of the Laws of England*, 2, *871-1216*, Oxford 2012, pp. 759-761.

[31] E.g. *Select Documents of the English Lands of the Abbey of Bec*, ed. M. CHIBNALL, London 1951, p. 30; *The English Manor c.1250-c.1500*, ed. M. BAILEY, Manchester 2002, p. 52 (Hartest, Suffolk, 1251, which speaks only of the need to obtain permission to sell); R.H. BRITNELL, *The Commercialisation of English Society 1000-1500*, Manchester 1996², pp. 64-65; S. KILBY, *Struggle and Enterprise: the Experience of Servile Peasants in Wellingborough, 1258-1322*, in "Midland history", 35, 2010, pp. 7-27, 16.

[32] For the small number of payments for sales at Wellingborough (Northamptonshire), *Ibid.*, p. 23.

resided within the same manor, enforcement was straightforward. The aggrieved party could simply prosecute his or her opponent via a civil action of debt or covenant (a lawsuit about a broken agreement) in the court of the local manor. In that jurisdiction, villein status was never raised as an obstacle to such a lawsuit.

Things were more complicated when the two parties to a contract resided in different locations. The plaintiff's local manor court did not enjoy effective jurisdiction over defendants who lived outside the territory of that manor. In order to enforce a contract against a non-resident, therefore, the villein plaintiff in such a case would have to go outside his or her own manor to use an alternative law court. One option here was the court of the manor on which the defendant resided. Other alternatives were suits of debt or covenant prosecuted in other local non-manorial, non-royal law courts enjoying a wider geographical jurisdiction and the ability to decide contractual disputes, such as the hundred court, the county court, and various types of church court. There was nothing in those courts' rules and procedures to stop villeins suing and being sued there. Villeins appear to have had just the same standing as free litigants in hundred, county and church courts. Furthermore, the villein litigant's own lord did not normally seek to prevent the litigant's use of civil jurisdictions other than the 'home' manor court. Lords did from time to time impose financial penalties on their tenants when they sued outside their manor courts in cases concerning contracts or personal property. But they did so only when two specific circumstances obtained, namely when both parties to the lawsuit were manorial tenants of the lord concerned, and when the lawsuit at issue was a type that could have been heard in the lord's manor court (i.e. an action of debt, detinue, trespass, or covenant). Lords rarely if ever sought to stop litigation outside the manor purely on the grounds that the party suing or being sued was a villein.[33]

The question of villeins' capacity to prosecute lawsuits about contracts in the *royal* courts is much more controversial. As noted earlier, it was a fundamental principle that the royal courts offered no protection to the villein in disputes about title to real property. Yet the royal courts also heard lawsuits about contracts, most notably in the actions of debt and covenant. Such actions could be prosecuted both in the central royal courts at Westminster, or in the various provincial sessions held before royal justices. In theory, the royal courts represented a further alternative jurisdiction for a villein plaintiff to use in contract litigation when his or her opponent resided outside the territory of that plaintiff's 'home' manor court. The royal courts, of course, exercised jurisdiction over the entire kingdom. Maitland, drawing heavily on the early thirteenth-century legal treatise *Bracton*, thought that villeins did have the power to make agreements enforceable in the king's courts.[34] But did villeins really use the royal courts to enforce contracts to any significant extent, and indeed were they permitted to do so?

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[33] CH. BRIGGS, *Seigniorial Control of Villagers' Litigation beyond the Manor in Later Medieval England*, in "Historical research", 81, 2008, pp. 399-422. These findings have been confirmed by further research on the project 'Private law and medieval village society: personal actions in manor courts, c.1250-1350', funded by the Arts & Humanities Research Council, 2006-09, Ref. AH/D502713/1.

[34] F. POLLOCK, F.W. MAITLAND, *The history of English law*, cit., pp. 402-4.

This important question is difficult to answer.[35] One problem is methodological. The rolls of the royal courts from this period record litigants' names in a way which makes it hard to identify their backgrounds and status. If a villein did successfully bring a plea of debt or covenant against an opponent, this would not necessarily be revealed by the court record. To establish whether a royal court litigant was a villein, the best method is to look for his or her name in other contemporary records which contain information on status. Manorial records are the most important place to look when attempting to determine a royal court litigant's status. Unfortunately, there has been relatively little such research to date. But the work that has been done offers no clear example of a villein prosecuting a debt or other contract action before the royal justices.[36] In fact, preliminary investigations suggest that when one searches for details on a royal court plaintiff in contemporary manorial records, one often finds that the individual was free, not villein. For example, in 1327 one John Bule of Weasenham sued Richard le Gardener of West Bradenham (both Norfolk) in the royal court of common pleas at Westminster. A search in the Weasenham manorial court rolls reveals that John Bule died in 1334. Bule was a peasant smallholder, but not a villein: the six and a half acres (2.6 hectares) he possessed at his death were held in 'socage', a type of free tenure.[37]

How should one interpret the current lack of firm evidence to show that villeins enforced contracts in the royal courts in this period? One response is that this lack of evidence shows that villein contracts were excluded from the protection of royal justice, just as their rights in land were not protected there.[38] A second is that villein plaintiffs in the royal courts will be positively identified once a more systematic search for them is made.[39] The argument preferred here is that, for much of the period under consideration, it did not greatly matter if villeins did not or could not prosecute debt, covenant and related actions in the common law courts. As already noted, there were a range of other local jurisdictions which villeins could use to recover debts and enforce agreements. In fact, those local courts, rather than the royal courts, were the normal location for such business throughout much of the thirteenth century.[40]

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[35] Hyams's work on villeins and villeinage in the royal courts dealt mainly with the twelfth and earlier thirteenth centuries. Much less research in this area has been done for the later thirteenth and fourteenth centuries.

[36] *Royal Justice in the Medieval English Countryside. The Huntingdonshire Eyre of 1286, the Ramsey Abbey Banlieu Court of 1287, and the Assizes of 1287–88*, A.R. DEWINDT, E.B. DEWINDT eds., Toronto 1981, discusses villein litigants, but provides no evidence of their involvement as litigants in cases of account, covenant, debt or detinue in the court records concerned.

[37] LONDON, THE NATIONAL ARCHIVES [hereafter TNA], CP 40/269; a plea of account. CAMBRIDGE UNIVERSITY LIBRARY [hereafter CUL], Coke of Weasenham Box 3 (Weasenham court rolls). Bule's lands were initially ordered seized on suspicion that he was a villein, but this was corrected.

[38] This, broadly, is the position of P.R. HYAMS, *King, Lords and Peasants*, cit., pp. 145-51.

[39] I am currently undertaking a larger project which includes a systematic search for Cambridgeshire villeins participating in royal court litigation about matters other than land.

[40] This is based on a count of debt and covenant actions in recently published eyre rolls (sessions before royal itinerant justices), and of Cambridgeshire actions in the Westminster court of common

The situation changed somewhat in the late thirteenth century, since from about 1290 a division of jurisdiction emerged in debt litigation, related to the size of the debt claimed. From this date the manorial and other local courts could only hear debt claims below forty shillings, while claims of forty shillings and above had to be sued in the king's courts using a writ from the royal Chancery.[41] Thus, if one takes the view that villeins were barred from suing in debt in the king's courts, this would imply that from c.1290 villeins were left without remedy in the formal legal system when they wished to recover debts of over forty shillings. Yet it must be doubted how often villeins would become involved in such large debts in the normal course of their marketing activity.

So far in this section, the discussion of contracts has focused on villeins enforcing contracts against others, free or villein. Brief consideration must be given to the capacity of free tenants to enforce contracts against villeins. Clearly, there was no obstacle to prevent free tenants obtaining civil justice in contractual matters in the manorial and other local courts, though as already stated some lords objected when a pair of manorial tenants (of whatever status) prosecuted civil lawsuits of this type outside the lord's own manor court. However, the free tenant probably faced more of a problem in the royal courts when seeking a remedy for broken contract against a villein. Although information is scant, it was clearly possible for a villein to evade prosecution in a contract case, by confessing his or her villein status before the court. In doing so, such villeins appear to have been exploiting the legal fiction that villeins owned nothing and were the property of their lords.[42]

In sum, in most circumstances the rules of villeinage allowed villeins to travel around to market, to possess rights in the property they bought and sold, and to make enforceable contracts. This benefitted those free tenants with whom villeins interacted, as well as the villeins themselves. Currently, the important question of whether villein contracts were routinely enforceable at common law remains open. But even if the royal courts were effectively out of bounds to villein contracts, none of the various local courts were. This helped to keep down the costs of enforcement of villein contracts.

LAND MARKETS

Thirteenth-century England possessed widespread and active peasant land markets. Peasant land can be divided crudely into two categories, free and villein (or 'customary'). Markets in both types of land existed. Free land was transferred directly from seller to buyer using a private charter, which provided the purchaser's title. In the early thirteenth century, under common law villeinage, the alienation of

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pleas, Hilary Term 1275 (TNA, CP 40/7; this research was part of a larger study of the CP 40 plea rolls undertaken by Dr Matthew Tompkins with the aid of a British Academy Small Research Grant). See also P.R. HYAMS, *King, Lords and Peasants*, cit., p. 145.

[41] R.H. HELMHOLZ, *Independence and Uniformity in England's Manorial Courts*, in *Seigneurial Jurisdiction*, ed. L. BONFIELD, Berlin 2000, pp. 215-236, 220.

[42] P.R. HYAMS, *King, Lords and Peasants*, cit., p. 148; F. POLLOCK, F.W. MAITLAND, *The History of English Law*, cit., p. 408.

villein land was more or less prohibited.[43] Yet permission to evade this restriction was increasingly granted, and manorial court rolls of the later thirteenth century reveal a proliferation in customary land sales. Such sales were closely controlled by lords. Customary land transfers were required to be made in the manor court via a process in which the seller surrendered the property to the lord, and the new tenant was admitted. In addition to the market for permanently alienated land, this period also witnessed a market for temporary leases of free and customary land. Through these leases a peasant tenant could sublet part or all of a holding to another. Such leases of customary land were also closely monitored by the lord, and registered in the manor court.

To what extent did the rules of villeinage inhibit the development of land and lease markets?[44] Clearly, villein tenants lacked exclusive rights in their real property. They also could not sell or lease land without encountering seigniorial charges which added to the other costs of transacting. But were such features antithetical to the development of open and efficient markets?

Rights in villein land were not protected by the royal courts of common law. In particular, villeins had no remedy at common law against eviction by their landlords. Jurisdiction over villein real property was instead the preserve of the manor court. Yet it would be a mistake to conclude from this that holders of customary land suffered weak and insecure property rights. A large corpus of research demonstrates the opposite. Far from being arbitrary instruments of seigniorial will, the manor courts of the thirteenth and early fourteenth centuries displayed a close regard for local customs of inheritance, and instituted procedures for settlement of property disputes based on written evidence (in the shape of the court rolls) and trial by jury. The manor courts thereby extended to customary tenants the same security of tenure which the royal courts had earlier given to free tenants. The heirs of villeins could reasonably expect to inherit their properties without interference, and eviction of villeins was an exceptional occurrence.[45] In the thirteenth century, as Britnell puts it, 'there had been a revolution in manorial justice hardly less great than that in the king's courts, with major implications for the security of villein tenure'.[46] The acquisition of customary land was thus not inherently unattractive because rights in it were ill-defined or unprotected.

Customary land was frequently held in standard units such as the virgate (typically 30 acres/12 hectares) and half-virgate. A major test of the impact of villeinage on the land market concerns the extent to which these standard units could be broken up through the sale or lease of portions of the holding. It is

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[43] P.R. HYAMS, *King, Lords and Peasants*, cit., pp. 37-40.

[44] The ability of villeins to mortgage their lands does not appear to have been explicitly restricted, but such mortgages were nonetheless rare.

[45] The key works are R.M. SMITH, *Some Thoughts on 'Hereditary' and 'Proprietary' Rights in Land under Customary Law in Thirteenth and Early fourteenth Century England*, in "Law and history review", 1, 1983, pp. 95-128; R.M. SMITH, *The English Peasantry, 1250-1650*, in *The Peasantries of Europe from the Fourteenth to the Eighteenth Centuries*, ed. T. SCOTT, London and New York 1998, pp. 339-371; *Select Cases in Manorial Courts 1250-1550. Property and Family Law*, L.R. POOS, L. BONFIELD eds., London 1998.

[46] R.H. BRITNELL, *Commercialisation*, cit., p. 143 (and see pp. 140-147 for a more general argument that the era of common law villeinage represented an *improvement* in villein property rights.)

frequently observed that seigniorial prohibition prevented the fragmentation of villein holdings through sale, especially in the midlands.[47] It is assumed that seigniorial rules against fragmentation were necessary to allow lords to keep track of responsibility for the rents and services owed by each holding.

Certainly on many manors standard holdings were kept intact throughout this period. Yet it is not clear that this can be explained by seigniorial efforts to enforce a rule of villeinage. Explicit seigniorial statements banning the break-up of properties through sale are hard to find, even on those manors where the survival of complete holdings was most marked.[48] It has been suggested that in some locations, the maintenance of standard units expressed the priorities of villein tenants rather than lords. Even if landlords did seek to prevent holding fragmentation, they did not necessarily impose a blanket policy across their estates, as is suggested by variations from manor to manor on the Winchester bishopric estate in the extent of fragmentation.[49] Some landlords may have acted to stop holding fragmentation through more subtle means, for example by refusing to reduce the rent due for the remainder of a holding after a portion of it had been sold.[50] Nonetheless, the key point is that restriction on the splitting of customary tenements was not evident everywhere, and even where it is evident, one cannot show unequivocally that it was an expression of the rules of villeinage.

Efforts to control the subletting of parts of customary holdings were more obviously seigniorial in origin. In some parts of southern England, such subletting appears to have been banned outright.[51] More commonly, lords charged their tenants for a licence to sublet, and the leases had to be registered in the manor court. Very short leases, typically of one year, were often permitted without licence.[52] Unlicensed leases attracted an amercement (financial penalty) if detected. In most places, therefore, villeins enjoyed the right to lease parts of their tenements, though this came at a price.

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[47] See e.g. J. WHITTLE, *Individualism and the Family-land Bond: a Reassessment of Land Transfer Patterns among the English Peasantry, c.1270-1580*, in "Past and present", 160, 1998, pp. 25-63, 51-52.

[48] This seems true of Westminster Abbey, for example: B. HARVEY, *Westminster Abbey and Its Estates in the Middle Ages*, Oxford 1977, pp. 212, 299-300.

[49] J. MULLAN, R. BRITNELL, *Land and Family: Trends and Local Variations in the Peasant Land Market on the Winchester Bishopric Estates, 1263-1415*, Hatfield 2010, p. 45-46.

[50] Especially on Westminster Abbey manors: B. HARVEY, *Wesminster Abbey*, cit., p. 301; see also similar evidence from Spalding Priory: E.D. JONES, *The Exploitation of Its Serfs by Spalding Priory before the Black Death*, in "Nottingham medieval studies", 43, 1999, pp. 126-151, 135. See also P.D.A. HARVEY, *The Peasant Land Market in Medieval England* Oxford 1984, pp. 345-347.

[51] H.S.A. FOX, *Exploitation of the Landless by Lords and Tenants in Early Medieval England*, in *Medieval Society and the Manor court*, Z. RAZI, R. SMITH eds., pp. 518-568, 536, 541. At Great Horwood (Buckinghamshire) in 1336 the lord issued a complete ban on the leasing of parts of unfree tenements under pain of their forfeiture and a financial penalty, though previously subletting after payment for seigniorial licence had been permitted. OXFORD, NEW COLLEGE ARCHIVES [hereafter NCA] 3914.

[52] B. HARVEY, *Westminster Abbey*, cit., p. 309; J.A. RAFTIS, *Tenure and Mobility. Studies in the Social History of the Mediaeval English Village*, Toronto 1964, pp. 74-78; L.A. SLOTA, *Law, Land Transfer and Lordship on the Estates of St Albans Abbey in the Thirteenth and Fourteenth Centuries*, in "Law and history review", 6, 1988, pp. 119-138, 132 (St Albans estates: leases of two years or less allowed without permission).

While some villeins sought to split up their standard holdings, others wished from time to time to accumulate additional lands beyond the standard holding via land market purchases. How far did the rules of villeinage permit this? This is a poorly documented subject. On the Winchester estate, the accumulation of multiple villein holdings was, like fragmentation, permitted on some manors but not others. The bishop occasionally intervened to prevent tenants holding more than one standard unit, but again village custom rather than seigniorial prerogative seems to have been an important consideration.[53] On other manors such as Great Horwood (Buckinghamshire), there seems to have been an assumption that one villein tenant would hold just one tenement, but again, it is not clear how far this represents a seigniorial ruling.[54] Estate surveys suggest that accumulations of more than one holding were rare among villeins in this period, at least in the midlands.[55] The rarity of accumulation may be an indication of the sometimes limited extent of the thirteenth-century peasant land market, but it is not clear that it is a straightforward consequence of the rules of villeinage.

Just as important as villeins' basic rights to sell, lease, divide, and accumulate holdings as they wished are the charges they paid to lords for these rights. Every sale and lease of villein land effected in the manor court was subject to a seigniorial fine, in addition to the purchase price transferred from buyer to seller, or rent due from lessee to lessor. To determine how far the level of these fines acted as a disincentive to land and lease market activity would require a major quantitative study that is beyond the scope of this paper. Dyer has examined entry fines levied on villein land sales in this period and concluded that generally they were not large enough to inhibit land transactions.[56] Yet we should not underestimate the fact that some sought to evade the requirement that sales and leases should be registered in court, and a fine paid. Villeins were sometimes found to have transferred unfree land by charter outside the court. That action attracted seigniorial attention, not only because of the lost income, but also because of the connotations of free status implied in a transfer by charter.[57] A recent study of leases of customary land on four manors found that over half of the recorded leases were initially made illegally without licence, and only subsequently reported to court.[58] The recording of a sale or lease in the court roll offered formal legal protection to the parties, but equally for many the charge levied evidently acted as a disincentive against registering the transaction.

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[53] J. MULLAN, R. BRITNELL, *Land and Family*, cit., pp. 42-44.

[54] CH. BRIGGS, *Credit and Village Society in Fourteenth-Century England*, Oxford 2009, p. 168.

[55] CH. DYER, *Lords and Peasants in a Changing Society: the Estates of the Bishopric of Worcester, 680-1540*, Cambridge 1980, p. 111.

[56] CH. DYER, *Seignorial Profits on the Land Market in Late medieval England*, in *Le marché de la terre au Moyen Âge*, L FELLER, C. WICKHAM eds., École Française de Rome 2005, pp. 219-236.

[57] R.H. HILTON, *Peasant Movements*, cit., p. 86; B. HARVEY, *Westminster Abbey*, cit., pp. 306-307; L.A. SLOTA, *Law, Land Transfer*, cit., pp. 128-130.

[58] CH. BRIGGS, *Credit*, cit., p. 85; for a brief consideration of the rate of fines for tenant leases, see B. HARVEY, *Westminster Abbey*, cit., p. 309.

So far we have restricted our attention to sales and leases of villein land undertaken by villeins. Yet an efficient and open land market was arguably one in which villeins could participate in the exchange of freehold land, and freemen could participate in the customary land market. We now look at such transactions, starting with villein acquisition of freehold land.

Villeins certainly did purchase freehold land by charter, and lords perhaps did sometimes allow their villeins to retain and enjoy purchases of free land.[59] Overall, though, this was an area where the rights of villeins were closely circumscribed. Lords were wary of villein possession of charters, presumably because it implied free status. Typically, lords demanded that villeins who acquired free land by charter should at the very least produce those charters for inspection in the manor court.[60] In other cases, the lord seized his villeins' charters, and severely restricted the terms on which the purchased land was held. The best known example of this concerns the freehold charters of certain Peterborough Abbey villeins, which were seized by their lord and copied into a cartulary held by the monks.[61] It is also likely that even where villeins were allowed to possess freehold land, they could not be sure of defending their rights to that land in the king's courts, since the prohibition on villein land pleas in royal courts was based as much on the personal status of the litigant as the tenurial status of the land.[62] Overall, villeins enjoyed weak property rights in freehold land, though that did not stop some of them from acquiring it.

Evidence of the reverse case – of sales of villein land to freemen – is scantier in the manorial records. Some lords did seek to monitor and restrict villeins' alienations of customary land to free tenants. Lords' concern here was presumably that the land might shed its unfree status and the lord would lose control over it.[63] Investigation of this issue on one gentry estate suggests that while there was not necessarily an outright ban on the transfer of villein land to freeholders, the lord did monitor such activity closely.[64] Freeholders could not expect royal court

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[59] For positive views of villeins' ability to hold free land, see E. MILLER, *The Abbey and Bishopric of Ely. The Social History of an Ecclesiastical Estate from the Tenth Century to the Early Fourteenth Century*, Cambridge 1951, pp. 138-150; E.D. JONES, *Exploitation*, cit., pp. 139-140.

[60] J.A. RAFTIS, *Tenure and Mobility*, cit., pp. 81-92; this work takes a positive stance on villeins' ability to hold free land, but several of the entries cited show the abbey requiring that the villein will not alienate the land; B. HARVEY, *Westminster Abbey*, cit., p. 312.

[61] E. KING, *Peterborough Abbey 1086-1310: a Study in the Land Market*, Cambridge 1973, pp. 99-125; *Carte nativorum. A Peterborough Abbey Cartulary of the Fourteenth Century*, C.N.L. BROOKE, M.M. POSTAN eds., Northampton 1960 (Northamptonshire Record Soc., 20). See also L.A. SLOTA, *Law, Land Transfer*, p. 129.

[62] J. HUDSON, *Oxford History*, cit., pp. 754-755; though for the suggestion that as the thirteenth century progressed villeins may have achieved greater success in defending their rights in freehold land at common law against persons other than their lords, see E.B. FRYDE, *Peasants and Landlords in Later Medieval England* , Stroud 1996, pp. 21-2.

[63] J.S. BECKERMAN, *Customary Law in English Manorial Courts in the Thirteenth and Fourteenth Centuries*, Ph.D. thesis, London 1972, pp. 157-159; L.A. SLOTA, *Law, Land Transfer*, cit., pp. 128-129. For sales of villein land to freemen on Spalding Priory manors, see E.D. JONES, *Exploitation*, cit., p. 139.

[64] P.R. COSS, *The Foundations of Gentry Life: the Multons of Frampton and Their World 1270-1370*, Oxford 2010, pp. 122-123, and see pp. 122, 129-130 for villeins holding free land on this estate.

protection for their rights in villein land, which perhaps further discouraged the freeholder's permanent acquisition of such property.[65]

The peasant temporary lease market was also affected by rules aimed at controlling transfers of villein land to freemen. The manor courts of Oakington (Cambridgeshire) and Great Horwood, for example were both careful to record the free status of numerous lessees, appending the words *liber* or *liber homo* to the names of eight individual lessees in the Oakington rolls and to the names of 16 individual lessees in the Horwood records.[66] This recording of the free status of lessees at Oakington and Horwood shows that the lords concerned (Crowland Abbey and Newton Longville Priory) were preoccupied with the incidence of freeholders as recipients of temporary customary leases. The interest these and other lords showed in tracking customary land leased to free tenants presumably reflects a perceived danger that the land might pass permanently into the possession of the freeholders.[67] At Horwood, the lord on one occasion ordered that all land leased by villeins to a number of different freemen in separate leases should be returned to the villein lessors, and those lessors punished.[68] Usually, however, leases to freemen seem to have been allowed to stand, though it would be interesting to discover whether the fines to sublease customary land were higher when the lessee was a freeholder rather than a villein.

To sum up this section, we can state that villein property rights in land were strong, and that this helped to encourage a villein land market. In some places the restrictions on fragmentation and accumulation of villein holdings must have inhibited that market, but it is not clear how far these restrictions arose from the rules of villein tenure. However, villeinage did impose limitations on the development of a market in which villein tenants acquired free lands, and vice-versa.[69]

Labour Markets

Open and efficient labour markets require the free movement of labour to where it is needed. In this section, strong property rights and low transaction costs are equated with substantial freedom of movement to work where one wishes. Restriction on the unfree population's spatial mobility is a well known feature of serfdom. The focus in this section is therefore on migration beyond the manor. While some have argued that medieval English serfdom prevented migration and therefore had potential to inhibit the labour market, others have taken a more positive view. In particular, it has been argued that in the period under consideration, labour was so plentiful that lords were relatively unconcerned about

[65] P.R. Hyams, *King, Lords and Peasants*, cit., pp. 54-55.

[66] There were a total of 111 lessees at Oakington, 1291-1350, and 83 at Horwood, 1302-1350.

[67] For further instances of concern with villeins subletting to freemen, see J.A. Raftis, *Tenure and Mobility*, cit., pp. 77-80.

[68] NCA, 3913 (27 August 1322).

[69] For the issues discussed in this section, see also R.H. Britnell, *Commercialisation*, cit., pp. 145-146.

the departure of villeins and did little to prevent it.[70] This suggestion forms part of a more general argument that the pre-plague period, like that after 1349, was an era of high geographical mobility in the countryside.[71]

The most important consideration here is the nature and effects of the rule that a villein obtain permission to dwell outside a manor, which was often called 'chevage' (*chevagium*).[72] How uniformly was this system imposed, and how much of an obstacle to the free movement of labour did it present? Comparatively little detailed analysis of pre-plague chevage has been published. This partly reflects the rarity of references to chevage in many manorial sources.[73] This in turn can be interpreted as a sign of lack of seigniorial enthusiasm in imposing this aspect of the rules of villeinage.[74] There were manors, however, where chevage payments are quite frequently mentioned in the court rolls, and where villeinage seems to have presented a relatively serious barrier to movement. Crowland Abbey's three Cambridgeshire manors provide an example.[75]

On these manors, as more generally, one finds that chevage fell mostly on the sons of villeins. This is not surprising since such apparently landless men had more reason to migrate than their landholding parents.[76] Permission to leave the manor and dwell elsewhere was granted to these men on certain conditions. For virtually all of the chevage payers these conditions consisted at least of an annual obligation to give one or two capons (a type of fowl) to the lord and to return to the manor to attend one or both 'great' sessions of the manor court (these sessions occurred in spring and autumn). Some departing villeins, for reasons that are unclear, also rendered an initial money payment (fine) in addition to these on-going obligations. The level of these fines varied, but were in some cases high. For example, in 1295, at a time when a carpenter typically earned about 3 pence per day, Henry Kille paid one mark (160 pence) for permission to go where he wished, owing also two capons annually and attendance at two great courts. Raftis studied chevage on the estates of Ramsey Abbey, a large Benedictine monastery like Crowland. He found a similar pattern, whereby some chevage payers owed only capons and an attendance at court, while others paid initial fines to depart. Raftis, however, argued that large initial fines were exceptional, and downplayed Ramsey's efforts to retain its villeins on the manor.[77]

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[70] See for example E.D. JONES, *Some Spalding Priory Vagabonds of the Twelve-sixties*, in "Historical research", 73, 2000, pp. 93-104; H.S.A. FOX, *Exploitation*, cit., pp. 556-560.

[71] For this argument, and the suggestion that the *merchet* fine on villein brides did little to restrict geographical mobility through marriage, see R.M. SMITH, *Moving to Marry among the Customary Tenants of Late Thirteenth- and Early Fourteenth-century England*, in *Freedom of Movement in the Middle Ages*, ed. P. HORDEN, Stamford 2007, pp. 169-185.

[72] For other slightly different contemporary meanings of 'chevage', see H.S.A. FOX, *Exploitation*, cit.

[73] D. POSTLES, *Migration and Mobility in a Less Mature Economy: English Internal Migration, c.1200-1350*, in "Social history", 25, 2000, pp. 285-299, 289-290.

[74] E.D. JONES, *Spalding Priory Vagabonds*, cit., p. 104.

[75] Selective analysis of chevage entries in CUL, Queens' College, Box 3 (Oakington court rolls).

[76] Very little reference to the imposition of chevage on females has been found.

[77] J.A. RAFTIS, *Tenure and Mobility*, cit. pp. 139-152.

How does one evaluate this evidence on chevage? Given the present state of research, one can simply suggest that some lords sought to monitor their departed villeins in a way that perhaps acted as a disincentive to migrate, while others were less inclined to do so. One problem is that there is little if any independent information in the manorial records about the migration of villeins. Therefore, if many villeins departed from a particular manor without being required to pay chevage, the court rolls would be silent on the matter.

Where chevage was imposed, it was undoubtedly irksome. Even if one did not pay an initial fine, the requirement to return each year from one's new place of residence to the native manor must have added to the cost of transacting in the labour market. Here again, evasion of the rules of villeinage is an indication of their negative impact. On the Crowland and Ramsey manors, villeins were often reported for departing without licence, and were subsequently required to pay chevage. And finally, at least one case from the Crowland records suggests that villeins were prohibited from migrating to certain locations. In 1329 Walter Sturmy, a licensed chevage payer, was reported to be residing in Cambridge, a town five or six miles from his native manor. The court roll notes that since that town 'is of the royal demesne, and privileged such that a villein who resides there for a year without being claimed as a villein may claim his freedom while he lives there', Walter should return with his wife and goods to the territory of his lord.[78] Thus even if a villein's migration was permitted, seigniorial fear of loss of control of villeins resident in certain privileged settlements suggests there was no free choice of destinations.

If villeins departed from the manor without seigniorial permission, to what extent could landlords rely on the assistance of the state, in the shape of the royal common law, to enforce their return? There is considerable twelfth-century evidence of the use of royal writs whose purpose was to bring about the physical return of fugitive villeins to their lords.[79] The successor of these writs was the common law writ of naifty (*de nativo habendo*), which was acquired by the claimant lord and ordered the sheriff to deliver to the claimant a person alleged to be his villein. What is unclear is how often the writ of naifty continued to be used throughout the thirteenth century to recover the persons of departed villeins. The mid-thirteenth century plea rolls of the royal courts certainly continue to yield cases initiated by the writ of naifty which resulted in the return of a villein to his lord.[80] But the prevalent view is that, by the start of the thirteenth century, the writ of naifty was increasingly used to initiate trials concerning the status of alleged villeins, and not only to effect their physical return. This view also stresses the extent to which those claimed as fugitive villeins were able to use the common law legal

[78] F.M. PAGE, *The Estates of Crowland Abbey. A study in Manorial Organisation*, Cambridge 1934, p. 365.

[79] R.H. BRITNELL, *Commercialisation*, cit., pp. 66-67, J. HUDSON, *Oxford History*, cit., p. 757.

[80] E.g. *The Civil Pleas of the Suffolk Eyre of 1240*, ed. E. GALLAGHER, Woodbridge 2009, p. xlvi and no. 527; H.S. BENNETT, *Life on the English Manor. A Study of Peasant Conditions 1150-1400*, Cambridge 1937, pp. 311-312.

procedures to frustrate and delay claims brought against them by lords via the writ of naifty.[81]

Interestingly, chevage only really becomes common in the sources in general from the later thirteenth century.[82] Therefore one might speculate that whereas twelfth and earlier thirteenth-century lords tended to purchase the king's writs in order to recover fleeing villeins, their counterparts in the later thirteenth century and later were more prepared to tolerate villein mobility provided they could tax and control it via the chevage fine.

CAPITAL MARKETS

The capital market is understood here in the very broadest sense of a system of credit based on money loans and deferred payments allowed in the sales of commodities. Capital markets in this sense certainly existed at all levels of the medieval English economy, though they were in many ways very rudimentary.[83] There was nothing in the rules of villeinage to prevent the unfree from extending and receiving loans, or from engaging in sales which involved credit. Many villeins did so. The only obvious or significant way in which the rules of villeinage could hinder development of the capital market was via its influence on the avenues of formal law that villeins could use to sue or be sued for recovery of unpaid debts. As was argued in the section on commodity markets, the formal legal system provided for the enforcement of virtually all debts and contracts involving villeins. The only major area still in dispute, as we have seen, concerns the capacity of villeins to sue and be sued over debts and contracts in the king's courts of common law.

CONCLUSION

The main argument of this paper is that there is value in analysing serfdom/villeinage using the tools of the New Institutional Economics. Such a mode of analysis is distinct from the traditional Marxist approach to serfdom and pre-industrial economic development which focuses on rent levels and the incidence of labour services. It can lead to a broader understanding of the possible role of serfdom in causing a ceiling to economic growth to be reached in the decades before the Black Death. Serfdom has been conceptualized here as a set of rules used to monitor and control persons and property. It was a system designed and adapted almost entirely for the benefit of the landlord. Yet its constituent rules had inevitable effects on the frequency and manner in which serfs/villeins participated in commodity and factor markets, and also the extent to which freeholders and villeins interacted in those markets.

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[81] D. POSTLES, *Mobility*, cit., pp. 294-295, citing P.R. HYAMS, *King, Lords and Peasants*, cit., pp. 162-163; P.R. HYAMS, *The Action of Naifty in the Early Common Law*, in "Law quarterly review", 90, 1974, 326-350; E.B. FRYDE, *Peasants and Landlords*, cit., pp. 20-21.

[82] P.R. HYAMS, *King, Lords and Peasants*, cit., pp. 34-37; R.E. LATHAM, *Minor Enigmas from Medieval Records: Second Series*, in "English historical review", 76, 1961, pp. 633-649, 643-644.

[83] B.M.S. CAMPBELL, *Factor Markets*, cit.; CH. BRIGGS, *Credit*, cit.

As a result of this survey no decisive new verdict can yet be advanced regarding the role of villeinage in determining England's longer term economic development. Clearly, commodity markets and markets in land, labour, and capital did exist in this period. Whether more competitive and efficient markets would have developed in the absence of villeinage, or in the absence of certain of its rules, remains unclear. In many important respects, villeinage had no discernible negative impact on the property rights of villeins, or on the costs they bore when transacting in the market. In particular, villeins enjoyed virtually unhindered access to a formal legal system which allowed them to enforce debts and contracts against other villeins and against freemen. It is true that the extent of villeins' capacity to sue in the royal courts about matters other than land remains an open question. Yet in spite of this their degree of access to contract enforcement mechanisms was impressive. Impressive too is the extent to which the rights of villeins in their customary landed property were respected and articulated in the manor courts. This feature undoubtedly encouraged the growth of a customary land market in many localities.

However, other rules of villeinage clearly had a negative effect on villeins' property rights, and added to the costs they already bore when engaging in exchange. Particularly notable in this respect are the rules which limited villeins' ability to possess and enjoy enforceable rights in freehold land. These and similar restrictions must have hindered the development of markets which featured a strong interaction of villeins with those of free status.

The main aim here has been simply to identify, bring together and discuss as many of the 'rules of villeinage' as possible. There is scope for further work which analyses individual rules, or groups of rules. It must also be stressed that virtually all the examples used here relate to a particular group of well documented ecclesiastical landlords, namely the greater monasteries and bishoprics. These landlords were the most persistent in pursuing their rights over their villeins. Yet they are not necessarily typical. Future work must concentrate much more on the operation of villeinage on the manors of the much more typical smaller lay lords.

Ultimately, the impact of the institutional framework of English serfdom outlined here can only be revealed through close comparison with other contemporary regions. Without this, it is hard to know how much weight to give to the role of serfdom in shaping the economic trajectory of England and other parts of western Europe in this period. It would be useful to establish in much greater detail than hitherto how far contemporary serfdom in other regions exerted constraints that were equivalent to the English rules of villeinage, and what the likely impact of such constraints on the functioning of commodity and factor markets may have been. It is also hoped that the present paper might provide the basis for further detailed and intensive comparison of England with those regions in which serfdom was already in decline at this date, or had never existed to any significant degree.

Sheilagh Ogilvie

Serfdom and the Institutional System in Early Modern Germany

1. Introduction

'Serfdom' is the English term for various forms of unfreedom to which rural people were subjected under institutional systems that vested extensive economic and legal powers in landlords. This deceptively simple English word masks many different variants in European societies – even more variants than there were societies, since different manifestations of serfdom often co-existed in the same society.[1] In German-speaking central Europe, the multiplicity of different forms of serfdom has given rise to a proliferation of German terms and terminological debates, notably the much-disputed distinction between 'Leibeigenschaft' and 'Gutsuntertänigkeit' and between 'Gutsherrschaft' and 'Grundherrschaft'.[2]

English has no equivalents for these terms, and uses 'serfdom' quite generally to refer to all forms of unfree status for rural people – notwithstanding occasional recent attempts to claim that 'serfdom' only refers to the severest form, the German 'Leibeigenschaft'.[3] German historians distinguish 'Leibeigenschaft' (lit. 'bodily ownership' or 'personal bondage'), a form of serfdom legally attached to the body of the unfree person, from 'Gutsuntertänigkeit' ('estate subjection'), a form of serfdom legally attached to the land the unfree person held, although the two types of serfdom were similar in most practical respects, as we shall see. The German term 'Gutsherrschaft' (sometimes translated as 'demesne lordship') refers to a manorial regime in which the lord derived revenue mainly from exploiting demesne lands using compulsory labour services of unfree tenants (of either the

[1] On the multiplicity of manifestations of serfdom in Germany, M. North, *Frühneuzeitliche Gutswirtschaft in Schleswig-Holstein. Forschungsüberblick und Entwicklungsfaktoren*, in "Blätter für deutsche Landesgeschichte", 126, 1990, pp. 223-242, 226-227; H. Harnisch, *Klassenkämpfe der Bauern in der Mark Brandenburg zwischen frühbürgerlicher Revolution und Dreißigjährigem Krieg*, in "Jahrbuch für Regionalgeschichte", 5, 1975, pp. 142-172, 144.

[2] Space limitations prevent full citation here of the rich historical literature on serfdom in the many territories of German-speaking central Europe; instead, this essay deliberately limits its bibliographical apparatus, in order to be able to allocate space to interpretive discussion.

[3] This attempted redefinition forms part of revisionist approaches arguing that serfdom restricted rural people and hampered economic performance much less than traditionally claimed; for discussions of these approaches see, for instance, E. Melton, *Gutsherrschaft in East Elbian Germany and Livonia, 1500-1800: a Critique of the Model*, in "Central European History", 21, 1988, 4, pp. 315-349; W.W. Hagen, *Ordinary Prussians. Brandenburg Junkers and Villagers 1500-1840*, Cambridge 2002; M. Cerman, *Villagers and Lords in Eastern Europe, 1300-1800*, Houndmills/New York 2012.

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantecinquesima settimana di studi", 14-18 aprile 2013*

'Leibeigenschaft' or the 'Gutsuntertänigkeit' type). 'Grundherrschaft' (literally 'landlordship') refers to a manorial regime where lords had few demesnes and got revenue mainly from cash rents paid by mostly free tenants. These binary classifications – *Leibeigenschaft* vs. *Gutsuntertänigkeit*, *Gutsherrschaft* vs. *Grundherrschaft* – are vigorously contested in the German historiography on both theoretical and empirical grounds.

Germany is consequently a good context for reflection on what we might mean by 'serfdom', because the very plurality of experiences of rural unfreedom and of strong manorialism across different German societies undermines so many of the generalizations historians have made about what serfdom was and how it operated. This paper will use the evidence for eastern German societies under strong manorialism – those commonly described as being subject to 'demesne lordship' – in order to introduce an approach to serfdom that has little in common with the simplified, binary classifications on which the historiography has hitherto been based. I will call this the 'institutional' approach. To be provocative, I will claim that it enables us to dispense not only with existing binary approaches but also with the entire question of whether 'serfdom' should be defined in terms of personal bondage, land tenure, labour services, demesne operations, mobility restrictions, marriage controls, the coincidence of landlordship and judicial powers, or any other monolithic benchmark. Instead of pre-defining serfdom in terms of just one aspect of rural people's lives, this approach advocates analyzing the entire framework of institutional constraints within which rural people made decisions. This essay does not, therefore, restrict itself to a single manifestation of unfreedom, but rather explores how people living under demesne lordship in early modern German societies experienced the three core sets of institutional constraints on their choices, imposed by the manor, the community, and the state.

2. Manorial Institutions

Let us start with manorial institutions. The traditional approach to serfdom, in Germany as in other national historiographies, was what I have called the 'manorial dominance' view.[4] This approach assumes that law reflected reality and that under serfdom landlords used their institutional powers to regulate labour-allocation, landholding, mobility, marriage, and most other individual choices, reducing serfs' welfare and stifling economic growth.[5] Recent decades have seen the rise of 'revisionist' approaches, which have veered to the opposite extreme, pointing to the existence of peasant agency in east-Elbian societies, taking this to imply that landlords' regulations were not binding constraints, denying that manorialism

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[4] S. OGILVIE, *Communities and the "Second Serfdom" in Early Modern Bohemia*, in "Past and Present", 187, 2005, pp. 69-119, 72-76, 80-91; T. DENNISON, S. OGILVIE, *Serfdom and Social Capital in Bohemia and Russia*, in "Economic History Review", 60, 2007, 3, pp. 513-544, 517-517.

[5] In Germany, the basic text of this juridical approach is G.F. KNAPP, *Die Bauernbefreiung und der Ursprung der Landarbeiter in den älteren Theilen Preußens*, Leipzig 1887; see the survey in H. HARNISCH, *Peasants and Markets: the Background to the Agrarian Reforms in Feudal Prussia East of the Elbe, 1760-1807*, in *The German Peasantry: Conflict and Community in Rural Society from the Eighteenth to the Twentieth Centuries*, R.J. EVANS, W.R. LEE eds., London/Sydney 1986, pp. 37-70, 38-39.

hampered economic growth, and rejecting the term 'serfdom' altogether in favour of less rebarbative expressions such as 'estate subjection' and 'demesne lordship'.[6]

A number of excellent micro-studies have certainly brought to light persuasive evidence of what might be called 'serf agency' in early modern Germany. Thus Lieselott Enders found rich evidence of free economic choices among peasants in the Uckermark of Brandenburg in the early modern period.[7] Jan Peters pointed out that East-Elbian serfs in general manifested 'individualistic' economic behaviour and strategically resisted manorial coercion.[8] William Hagen argued that on the Prussian estate of Stavenow, peasant action was hardly limited by manorial restrictions and peasant well-being was high.[9] These and other studies reveal clearly that German serfs made many individual choices without manorial intervention.

This focus on independent action by serfs is a welcome corrective to the uncritical acceptance of legal regulations as a mirror of social practice. But care is needed in drawing wider implications. Just because lords did not intervene in *all* serf decisions does not mean they intervened in *none*. Even effective institutional restrictions may give rise to few acts of enforcement: rational lords incurred enforcement costs only where they expected corresponding benefits; and rational serfs avoided actions which they expected to be penalized.[10] The most successful institutions of all may create expectations that make them largely self-enforcing except when expectations are disrupted. To assess the effects of any institution, including serfdom, we cannot assume that its formal rules were either fully enforced or totally violated. We have to look at the concrete constraints that the institution imposed and how individuals responded to them.

2.1. *Legal Categories of Serfdom*

When we do this, we find that the terminological distinction between *Leibeigenschaft* ('personal bondage') and *Gutsuntertänigkeit* ('estate subjection'), which has attracted so much earnest debate from 'manorial dominance' and 'revisionist' approaches alike, was of questionable practical importance on the ground. In the medieval period, most German rural people were subject to some personal

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[6] For excellent research in the revisionist tradition, see, e.g., the essays in *Gutsherrschaft als soziales Modell. Vergleichende Betrachtungen zur Funktionsweise frühneuzeitlicher Agrargesellschaften*, ed. J. PETERS, Munich 1995; *Konflikt und Kontrolle in Gutsherrschaftsgesellschaften: über Resistenz- und Herrschaftsverhalten in ländlichen Sozialgebilden der frühen Neuzeit*, ed IDEM, Göttingen 1995; and *Gutsherrschaftsgesellschaften im europäischen Vergleich*, ed IDEM, Berlin 1997.

[7] L. ENDERS, *Die Landgemeinde in Brandenburg. Grundzüge ihrer Funktion und Wirkungsweise vom 13. bis zum 18. Jahrhundert*, in "Blätter für deutsche Landesgeschichte", 129, 1993, pp. 195-256, 197.

[8] J. PETERS, *Eigensinn und Widerstand im Alltag. Abwehrverhalten ostelbischer Bauern unter Refeudalisierungsdruck*, in "Jahrbuch für Wirtschaftsgeschichte", 1991, 2, pp. 85-103, 90, 92-93, 95-96, 100-102.

[9] W.W. HAGEN, *Ordinary Prussians*, cit., pp. 184-279.

[10] On one type of enforcement that overlords did not typically impose on serfs in eastern-central and eastern Europe, namely 'social disciplining' of serfs' private lives in matters that did not affect manorial interests, see S. OGILVIE, *"So That Every Subject Knows How to Behave": Social Disciplining in Early Modern Bohemia*, in "Comparative Studies in Society and History", 48, 2006, 1, pp. 38-78.

restrictions, such as being forbidden to leave their farms and being required to send their offspring into forced service for the lord, although there is no agreement about whether this amounted to personal bondage or estate subjection. In the course of the early modern period, unfree rural people in East Prussia, East and West Pomerania, the Uckermark and Neumark of Brandenburg, Mecklenburg, and parts of Schleswig-Holstein saw their personal status degenerate into legal *Leibeigenschaft* (personal bondage) which made them hereditarily subject to their lords from birth, as persons. By contrast, in most other early modern eastern German states under strong manorialism, including most other parts of the Mark of Brandenburg and western parts of Schleswig-Holstein, rural people had the legal status of *Gutsuntertänigkeit* (estate subjection) which was, in principle, attached to their tenure of landholdings rather than themselves as persons.[11]

Micro-historical findings, however, show that estate subjection was a form of unfreedom that hardly differed from personal bondage in most practical respects. For one thing, in most parts of eastern-central and eastern Europe during the early modern period, estate subjection became *hereditary*, and thus attached to the person and extended to all his or her descendants, regardless of what land they held. Second, under estate subjection even *landless* inhabitants – cottagers, lodgers, labourers, craftsmen, proto-industrial workers, women, unmarried adult males, and children – came to be regarded as having that unfree status unless they held explicit privileges of freedom, another move towards attaching unfreedom to the person rather than the land. Third, estate subjection and personal bondage both shared all the *other* constraints of serfdom – forced labour, mobility restrictions, marriage controls, lack of secure property rights, manorial jurisdiction, and compulsory employment of young adults in forced servanthood on the demesne. The only feature that legally distinguished the two forms of German serfdom was that personal bondage entitled the landlord to move the serf to a different location (e.g. to another estate) separately from his or her tenure of a particular landholding, whereas this was not legally permitted under estate subjection.[12]

Unsurprisingly, early modern Germans themselves often conflated the two types of serfdom. Many German overlords deliberately sought to weaken the distinction, sometimes by redefining estate subjection as personal bondage, sometimes the other way around, as when the eighteenth-century Mecklenburg nobility perceived advantages in denying that their tenants were 'Leibeigenen', claiming that they were only 'Gutsuntertanen'.[13] Unfree peasants in German societies also often used the terms interchangeably, sometimes for rhetorical purposes, but sometimes because they saw little practical distinction between the two types of serfdom. Early modern German documents use the term 'Leibeigenen' in regions where serfs were actually 'Gutsuntertanen', and vice versa.

[11] H. HARNISCH, *Peasants and Markets*, cit., p. 42; M. CERMAN, *Villagers and Lords*, cit., pp. 11, 15-16.

[12] H. HARNISCH , *Peasants and Markets,* cit; J. PETERS , *Gutsherrschaftsgeschichte und kein Ende. Versuch einer Auskunft zu aktuellen Ergebnissen und Schwierigkeiten in der Forschung*, in *Festschrift für Gerhard Heitz zum 75. Geburtstag*, E. MÜNCH, R. SCHATTKOWSKY eds., Rostock 2000, pp. 53-80; W.W. HAGEN, *Ordinary Prussians,* cit., e.g. 581-590.

[13] F. MAGER , *Geschichte des Bauerntums und der Bodenkultur im Lande Mecklenburg*, Berlin 1955.

Eighteenth-century reformers referred to all forms of unfreedom as personal bondage (*Leibeigenschaft*), most famously Emperor Joseph II in his 1781 'Act for the Abolition of Serfdom [*Leibeigenschaft*] in Bohemia and Moravia' which wholly ignored the legal distinction between *Leibeigenschaft* and *Gutsuntertänigkeit* by which opponents sought to resist the Act.[14] Contemporaries also regarded both personal bondage and estate subjection as forms of unfreedom, as reflected in the Prussian October Reforms which declared that 'on Martinsmas 1810 all estate subjection [*Guts-Unterthänigkeit*] will end, in all our states; after Martinsmas 1810 there will exist only free persons [*freie Leute*], as is already the case on the royal estates in all our provinces'.[15]

Differences certainly existed between the practical implications of the different manifestations of serfdom in different societies, so that German serfs were sometimes willing to pay to buy themselves out of one form of unfreedom and into another. But the legal distinction between personal bondage and estate subjection, which focused solely on the arcane distinction between bodily and tenurial unfreedom, was irrelevant in most practical situations.

2.2. *Serfdom and Constraints on Labour Allocation*

An 'institutional' approach to German serfdom, by contrast, would redirect attention to the concrete constraints on serfs' ordinary lives. One of the most important such constraints was that early modern German serfs, regardless of whether they lived in 'personal bondage' or 'estate subjection', could not freely allocate their own labour. This did not rule out all autonomous work: serfs farmed their own land, practised crafts, proto-industry, and commerce, and laboured for wages. But serfs were also required to supply a certain share of their time to the overlord as labour services, putatively as a 'rent' for the land, though some of them, such as cottagers and houseless lodgers, did not actually have any land but still had to supply forced labour. Some German serfs owed 'defined' ('gemessene') services of fewer than 2-3 days a week, which was on the lower end of the spectrum for eastern German societies under demesne lordship, although the serfs in question still regarded these services as a serious burden. Others owed 'defined' services of more than 3 days a week, which typically required maintaining an extra draught team, extra servants, or resident offspring (or all three), just to do forced labour for the overlord. In Western Pomerania in 1692-3, for instance, over 87 per cent of full peasants owed draught services for 3 or more days a week, and over 78 per cent of smallholders owed manual services for 3 or more days a week.[16] The most unfortunate German serfs owed 'undefined' ('ungemessene') labour services which

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[14] J. KOČÍ, *Patent o zrušení nevolnictví v českých zemích,* in "Československý časopis historický", 17, 1969, 1, pp. 69-108.

[15] W. DEMEL, U. PUSCHNER, *Von der Französischen Revolution bis zum Wiener Kongreß, 1789-1815,* Stuttgart 1995, p. 332.

[16] M. CERMAN, *Villagers and Lords,* cit., p. 78 (Table 10), based on R. SCHILLING, *Schwedisch-Pommern um 1700 : Studien zur Agrarstruktur eines Territoriums extremer Gutsherrschaft,* Weimar 1989.

could be increased at will by the landlord or were subject to renegotiation in which manorial threats and coercion created a situation in which 'might was right'.

These labour 'rents' were not the only constraint on German serfs' time-allocation. First, many German landlords demanded 'forced wage labour', which obliged serfs to supply work additional to their labour rents, at an artificially low 'wage' fixed by the landlord. Second, offspring of German serfs were compelled to work as servants on the demesne, typically for 3-5 years, again at low 'wages' fixed by the landlord. Third, German overlords often had prerogative rights enabling them to take serfs' own servants away into manorial service.[17] The extent, enforcement, and balance between all these types of forced labour varied across German serf societies. But most German serfs found that the time they were forced to supply to the lord in these various forms increased across the early modern period, although to a greater extent if they had less secure access to land (discussed in the next section).[18]

Manorial controls over labour were enforced in practice, not perfectly, but sufficiently to constitute a binding, burdensome, and bitterly resented constraint on serfs' lives; and this enforcement took place regardless of whether serfs had the legal status of personal bondage or estate subjection.[19] Serfs who refused to comply with arbitrary increases in manorial labour demands faced what Harnisch terms 'naked force, indeed terrorization'.[20] In 1570, for instance, on the Prignitz estate of Plattenburg-Wilsnack (where serfs had the status of estate subjection) the lord arbitrarily demanded new labour services on the demesne and instructed his officials that he was happy to take responsibility for 'a few blows or even some shooting, if it can't be done otherwise'.[21] In 1579, when the serfs of the Brandenburg village of Brädikow refused labour services, the lord's men brutally invaded the village, shooting firearms at its members; in another village, they took eight serfs prisoner, tied them to horses, and dragged them across country; in others, they confiscated and slaughtered serfs' cattle; if they found the male householder absent they ravaged the farm and took the women prisoner.[22] In the Magdeburger Börde in 1611-12, serfs who refused to perform arbitrary carting services were imprisoned and had their cattle confiscated.[23] Other early seventeenth-century Brandenburg lords penalized serfs who resisted forced labour with corporal punishment, imprisonment, and ejection from their holdings.[24] In

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[17] J. PETERS, *Inszenierung von Gutsherrschaft im 16. Jahrhundert. Matthias v. Saldern auf Plattenburg-Wilsnack (Prignitz)*, in *Konflikt und Kontrolle in Gutsherrschaftsgesellschaften*, ed. IDEM, Göttingen 1995, pp. 248-286, 276.

[18] H. HARNISCH, *Zur Herausbildung und Funktionsweise von Gutswirtschaft und Gutsherrschaft. Eine Klageschrift der Bauern der Herrschaft Neugattersleben aus dem Jahre 1610*, in "Jahrbuch für Regionalgeschichte", 4, 1972, pp. 179-199, 184-186; IDEM, *Klassenkämpfe der Bauern*, cit., p. 149.

[19] For examples, see M. CERMAN, *Villagers and Lords*, cit., pp. 35-37.

[20] H. HARNISCH, *Zur Herausbildung*, cit., p. 186.

[21] Quoted in J. PETERS, *Inszenierung von Gutsherrschaft*, cit., p. 256.

[22] H. HARNISCH, *Klassenkämpfe der Bauern*, cit., pp. 165-167.

[23] IDEM, *Zur Herausbildung*, cit., p. 186.

[24] IDEM, *Klassenkämpfe der Bauern*, cit., p. 163.

1621, a serf in Brandenburg (who had the status of estate subjection) was described as a 'very rebellious serf [*Untertan*]' for resisting manorial labour services, which led to imprisonment, deprivation of his smallholding, and ultimate ejection from his village along with his four young children.[25] Brandenburg lords used their policing and judicial rights over their serfs to penalize even those who carried out forced labour, but did it late, slowly or badly.[26] German serfs' willingness to pay substantial sums to get out of forced labour, and to incur the costs and risks of resistance and litigation, reflects their perception that forced labour for the lord was a binding and burdensome constraint – regardless of whether their legal status was personal bondage or estate subjection.[27]

Serfs retained some of their labour for their own use, but manorial restrictions often prevented them from allocating it to the activities they regarded as most productive. Lords barred serfs from activities that competed with demesne enterprises. They sold 'privileges' (monopolies, monopsonies, market prerogatives, 'bans', etc.) which excluded serfs from working freely in the privileged sectors. They levied dues and license fees on serfs' proto-industrial activities. Above all, lords restricted geographical mobility – regardless of whether the serfs lived under personal bondage or estate subjection. This hindered serf labour from moving to the most productive locations. Revisionist studies rightly point out that serfs sometimes migrated. But this did not mean serfs migrated freely. Lords permitted migration within the estate, seasonal labour movements to known locations, and even occasional permanent emigration, but only subject to manorial knowledge, permission, payment of fees, and satisfaction of other requirements such as finding a replacement tenant or worker.[28] Serfs who violated mobility controls were pursued and punished. The institutional privileges of the manorial system thus prevented even the labour serfs retained for their own use from being allocated to the most productive locations and activities – the ones the workers would have chosen themselves.

2.3. *Serfdom and Constraints on Land Use*

The constraints imposed by manorial institutions also affected serfs' access to land. Revisionist approaches correctly point out that serfs did have some rights to land. But these rights were constrained both by the substantial share of total land controlled by the lord as his 'demesne' and by the numerous restrictions the lord placed on how serfs could use even the land they cultivated for themselves.

German economies under serfdom were typically characterized by a large proportion of land reserved for the manorial demesne. As Table 1 shows, eastern German societies under serfdom show some of the highest proportions recorded in early modern Europe, with the demesne comprising over 50 per cent of total land

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[25] *Ibidem.*

[26] *Ibid.*, pp. 160-161.

[27] H. HARNISCH, *Zur Herausbildung*, cit., p. 186; IDEM, *Klassenkämpfe der Bauern*, cit., p. 161; M. CERMAN, *Villagers and Lords*, cit., p. 83.

[28] See *Ibid.*, pp. 22-27, for thoughtful criticisms of revisionist views of migration restrictions.

in East Prussia, Mecklenburg, Pomerania, Schleswig, and Holstein. Not all German serf societies had such high proportions, as shown by the c. 25 per cent observed in Western Pomerania or some parts of the Kurmark of Brandenburg. But all these figures contrasted with the 5-10 per cent (or less) observed in the 'Grundherrschaft' societies of western and southern Germany where demesne lordship did not prevail and few rural people were subject to any form of serfdom.[29] Larger demesnes increased lords' incentive to invest in political action to maintain and intensify the other constraints of serfdom, such as forced labour and migration controls, in order to ensure that they had coercive control over enough artificially cheap enserfed workers to ensure the cultivation of that demesne.[30]

Revisionist approaches rightly point out that the remaining one-half to three-quarters of land was in the hands of serfs themselves, who had some rights over it. But serfs' land rights never amounted to full ownership. In early modern eastern Germany under strong manorialism, a very few tenants were 'freemen' who held lands from lords through voluntary contracts – as in non-serf societies in western Europe. A second and much larger category consisted of tenants who were unfree (whether in personal bondage or estate subjection) but had hereditary rights which meant they could bequeath, mortgage and sell their farms, though only conditional on the lord's consent.[31] A third and growing category, however, were 'usufructory' tenants who were unfree but did *not* have property rights in their holdings, instead enjoying only use rights, without any rights of alienation. Usufructory tenants were subdivided into hereditary ones (*Lassiten*) whose use rights were in principle permanent, although such tenants could be evicted if they displeased their lord; and temporary leaseholders (*Zeitpachtbauern*) whose use rights existed only for a specified number of years.[32]

Tab. 1. **Demesne as share of total land in various European regions**

Country	Region	Date	% Demesne
Germany	East Prussia: noble estates	1800	62
Germany	Mecklenburg	1700	62
Germany	Pomerania	1692-98	59
Russia	Central Black Earth	1858	55
Germany	Holstein: east	1700	> 50
Germany	Mecklenburg	c. 1800	> 50
Germany	Schleswig, regions of demesne lordship	1700	50
Poland	Eastern Greater Poland	1600	50
France	Ile-de-France	c. 700	49

[29] H. HARNISCH, G. HEITZ, *Feudale Gutswirtschaft und Bauernwirtschaft in den deutschen Territorien: eine vergleichende Analyse unter besonderer Berücksichtigung der Marktproduktion*, in *Grand domaine et petites exploitations en Europe au moyen-âge et dans les temps moderns*, P. GUNST, T. HOFFMANN eds., Budapest 1982, pp. 9-32, pp. 23-24.

[30] H. HARNISCH, G. HEITZ, *Feudale Gutswirtschaft*, cit.; A. VERHULST, *Economic Organisation*, in *The New Cambridge Medieval History*, ed. R. MCKITTERICK, Cambridge 1995, pp. 481-509, 492.

[31] H. HARNISCH, *Peasants and Markets*, cit., p. 41.

[32] *Ibidem*, pp. 41-42.

Germany	Prussian Pomerania	c. 1800	48
Poland	Little Poland	1600	45
Russia	Central non-Black Earth	1858	45
Germany	Brandenburg Kurmark: Uckermark	1797	44
Poland	Average for all regions	1600	44
Livonia	Livonia	c. 1800	40
France	Saint-Germain-des-Près	1350-1400	38
Germany	Brandenburg Kurmark: Havelland	1797	35
Germany	Brandenburg Kurmark: overall	1797	33
Germany	Mecklenburg	1635	33
France	Ile-de-France	c. 1550	32
Germany	Brandenburg Kurmark: Ruppin	1797	32
Russia	Central Black Earth	1765	26-36
England	average	1300-50	25-30
Hungary	Hungary	c. 1790	27
Russia	Central non-Black Earth	1765	26-28
Estonia	Crown estates (estimated)	c. 1840	26
Estonia	Northern Estonia	1690-1700	26
Germany	Brandenburg Kurmark: Zauche	1797	25
Livonia	Livonia	1600	25
Sweden	Scania	1800	25
Bohemia	Bohemia	1720-50	24
Bohemia	Bohemia	1785-99	24
Germany	Pomerania: western	1556-1631	24
Livonia	Livonia	1688	24
Bohemia	Bohemia	c. 1600	20
Estonia	Tartu Bishopric & southern Estonia	c. 1600	20
Livonia	Livonia	1500-50	20
Hungary	Hungary	1580	17
Germany	Brandenburg Kurmark: Luckenwalde	1797	16
Denmark	Denmark: noble & bourgeois estates	c. 1700	15
Germany	Lippe	c. 1800	c. 10
Germany	Upper Hessen	c. 1800	c. 10
Sweden	Scania	1658	10
Denmark	Denmark: overall	c. 1700	8-10
Germany	East Prussia: royal estates	1800	7
Finland	Finland	early modern	6-7
Sweden	Sweden	early modern	6-7
Germany	Southern Germany	c. 1800	< 5
Germany	Western Germany	c. 1800	< 5

Sources: Y. BÉZARD, *La vie rurale dans le sud de la région parisienne de 1450 à 1560*, Paris 1929, p. 81; B.M.S. CAMPBELL, *English Seigniorial Agriculture, 1250-1450*, Cambridge 2000, p. 26; M. CERMAN, *Villagers and Lords,* cit., pp. 62-69; H. HARNISCH, G. HEITZ, *Feudale Gutswirtschaft*, cit., p. 23 ; E. LE ROY LADURIE, *The French Peasantry 1450-1660*, Berkeley 1987, pp. 163-164.

The relative size of these groups varied regionally. Serfs' land rights around 1500 often derived from the medieval charter establishing their village.[33] But lords sought to limit hereditary land rights and replace them with usufructory rights, since this facilitated the ejection of serfs who objected to rises in labour dues and other burdens. The size of the demesne and the intensity of labour dues expanded much less in eastern German territories where serfs had better land rights.[34] Harnisch estimates that under demesne lordship German serfs with the best land rights seldom had to do more than 2-3 days of services a week, compared to 4-6 for those with the worst land rights.[35] By the early modern period, in eastern German societies under demesne lordship serfs with the best land rights were concentrated in western parts of the Mark of Brandenburg (the Altmark west of the Elbe, the Prignitz and Zauche areas east of the Elbe), in Lower Silesia, and in districts of the Neumark of Brandenburg north of Lower Silesia (Kreis Sternberg). Serfs with poorer rights over their land formed a majority in the centre, north and east of the Electorate of Brandenburg, in the Neumark of Brandenburg north of the river Warthe, in Pomerania, and in most of Upper Silesia and East Prussia.[36] Serfs with the poorest ownership rights (usufructory rights for a finite period) were already widespread in Pomerania, the Neumark of Brandenburg, and the Principality of Boitzenburg before the Thirty Years War, and spread to other parts of Brandenburg soon after.[37]

Even where serfs had relatively good ownership rights, they had to obtain manorial permission to vary them. In sixteenth-century Brandenburg, serfs had to get permission from lords to sell or bequeath their holdings.[38] On the early modern Uckermark estate of Boitzenburg, a serf could only transfer his farm to his heirs subject to 'proper application' and manorial consent: the lord annotated applications personally and imposed conditions including inventorying, wealth, proof of diligence, community support, and (for outside applicants) a certificate of obedience from a previous overlord.[39]

Even serfs with good land rights risked losing them if they displeased the lord. As Harnisch emphasizes, 'even juridical ownership of holdings was in no way a secure protection against ejection by the overlord'.[40] In 1579, serfs subject to one Brandenburg estate complained that they had been forced to sell their lord the best hythes from their farms, for which he paid 'whatever he wished'.[41] In the 1620s, serfs on another Brandenburg estate were forced out of their holdings when they

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33 *Ibid.*, p. 41.

34 *Ibid.*, p. 43.

35 *Ibid.*, p. 45.

36 *Ibid.*, p. 42.

37 H. HARNISCH, *Klassenkämpfe der Bauern*, cit., pp. 146-147.

38 *Ibidem.*

39 H. HARNISCH, *Die Landgemeinde in der Herrschaftsstruktur des feudalabsolutistischen Staates. Dargestellt am Beispiel von Brandenburg-Preussen*, in "Jahrbuch für Geschichte des Feudalismus", 13, 1989, pp. 201-245, 97-99.

40 H. HARNISCH, *Klassenkämpfe der Bauern*, cit., p. 146.

41 *Ibid.*, p. 166.

resisted arbitrary increases in labour services.[42] Between 1780 and 1810 on the same estate, 15-20 serfs were ejected from their holdings for failing to render rents and labour services,[43] and in 1793 one serf family was ejected for allegedly mismanaging the family farm.[44] The fact that serfs were able to take *some* decisions about their land autonomously did not mean that their decisions were wholly unrestricted by the institutional constraints of serfdom.

2.4. *Did Manorial Institutions Matter?*

Revisionist approaches sometimes acknowledge that serfdom was oppressive for individual serfs, but deny that it harmed economic performance. Some eastern European lords and serfs, the revisionists point out, introduced agricultural innovations, made technological investments, increased grain yields, managed farms rationally, produced market surpluses, set up proto-industries, accumulated wealth, and made large cash purchases. Such examples, the argument goes, refute the idea that eastern Europe was economically backward, since serfdom was perfectly compatible with economic growth.[45]

Available evidence casts doubt on such extreme versions of the revisionist view. The observation of serf agency, rationality and market-orientation is a welcome corrective to uncritical assumptions that serf mentalities led to economic stagnation. But even the most rational and entrepreneurial economic agents will not produce as much output as possible when they are forced to operate within institutional constraints that prevent labour and land from being allocated productively.[46]

Figure 1 shows estimates of per capita output in Eastern and Western Europe over the period during which serfdom gradually intensified in the east of the continent and declined in the west.[47] Eastern Europe under serfdom saw

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[42] *Ibid.*, p. 163.

[43] H. HARNISCH, *Die Landgemeinde*, cit., p. 95.

[44] *Ibid.*, p. 99.

[45] W.W. HAGEN, *Ordinary Prussians*, cit., pp. 597-601; W.W. HAGEN, *Two Ages of Seigneurial Economy in Brandenburg-Prussia: Structural Innovation in the Sixteenth Century, Productivity Gains in the Eighteenth Century*, in "Zeitenblicke", 4, 2005, 2, [http://www.zeitenblicke.de/2005/2/Hagen/index_html], p. 36; M. CERMAN, *Villagers and Lords*, cit., pp. 6-9, 95-123.

[46] See S. OGILVIE, *The Economic World of the Bohemian Serf: Economic Concepts Preferences and Constraints on the Estate of Friedland, 1583-1692*, in "Economic History Review", 54, 2001, pp. 430-453 and EADEM, *Staat und Untertanen in der lokalen Gesellschaft am Beispiel der Herrschaft Frýdlant (Böhmen)*, in *Untertanen, Herrschaft und Staat in Böhmen und im "Alten Reich". Sozialgeschichtliche Studien zur Frühen Neuzeit*, M. CERMAN, R. LUFT eds., Munich 2005, pp. 51-86, for further exploration and documentation of this argument in the context of serfdom in early modern Bohemia.

[47] Source: MADDISON data series, at http://www.ggdc.net/maddison/Historical_Statistics/vertical-file_02-2010.xls. Western Europe = present-day Austria, Belgium, Denmark, Finland, France, Italy, the Netherlands, Norway, Sweden, Switzerland, and England. Including 18 smaller Western European countries or excluding England and the Netherlands makes hardly any difference to the figures. Eastern Europe = present-day Czech Republic, Slovakia, Poland, Hungary, Romania, Bulgaria, former Yugoslavia, and Albania. In Figure 1, Germany is excluded from both Western and Eastern Europe since there were some German territories in each part of the continent.

systematically slower growth of per capita GDP and a steadily widening gap compared to Western Europe across the entire early modern period. It might be argued that macroeconomic estimates such as these are too inexact to support the conclusion that economies in Eastern Europe performed less well than those in Western Europe during the early modern period. Certainly, such macroeconomic figures are only estimates, based on piecing together scattered data derived from available research studies, which are always too few in number. Macroeconomic estimates therefore require constant revision as new research becomes available. However, the most recent revision of these estimates, provided in Bolt and Van Zanden's 2013 update of the pre-1820 figures in the Maddison data series used in Figure 1, merely widens the estimated gap in per capita income between Eastern and Western Europe, since it incorporates even higher estimates of per capita income for the Netherlands before 1820.[48]

Studies of other aspects of the early modern economy also suggest that Eastern European economies were performing less well between 1500 and 1800 than were those in Western Europe. Allen's quantitative estimates of employment structure, agricultural output, and agricultural labour productivity in different early modern European societies finds that agricultural productivity and urbanization were lower in Eastern than in Western Europe. Allen finds that proto-industry was as common in unsuccessful as in successful early modern economies, and concludes that it cannot therefore be taken as an indicator of high productivity or fast economic growth. In early modern Europe, according to his analysis, economic success depended upon the presence of a productive agricultural sector and a vigorous urban economy, and these were less widespread in Eastern than in Western Europe.[49]

Other studies point in a similar direction. Broadberry and Gupta find that real wages were much lower in Eastern than in Western Europe between 1500 and 1800, which they ascribe to lower productivity in Eastern European economies.[50] Coppola finds that by the early nineteenth century human heights were around 3 cm lower in Hungary, Galicia and Prussia than in England and the Netherlands, despite the negative impact of industrialization and urbanization on heights in the latter two economies. She also finds that army recruits from Prussia's eastern territories were shorter than those from its western territories, again despite the fact that the western territories were more highly urbanized and industrialized, which would be expected to reduce the heights of people growing up there.[51]

Comparative economic evidence for Europe before 1820 is a work in progress, and these findings highlight the need for much more detailed regional- and local-level research on the quantitative economic history of all pre-modern European

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[48] J. BOLT, J.L. VAN ZANDEN, *The First Update of the Maddison Project*, cit.

[49] R. C. ALLEN, *Economic Structure and Agricultural Productivity in Europe, 1300–1800*, in "European Review of Economic History", 4, 2000, pp. 1-25.

[50] S. BROADBERRY, B. GUPTA, *The Early Modern Great Divergence: Wages, Prices, and Economic Development in Europe and Asia, 1500-1800*, in "Economic History Review", 59, 2006, pp. 2-31.

[51] M. COPPOLA, *The Biological Standard of Living in Germany before the Kaiserreich, 1815–1840: Insights from English Army Data*, in "European Review of Economic History", 14, 2010, pp. 71-109.

societies, especially the under-researched regions of Eastern Central and Eastern Europe. However, the best evidence available, given the current state of research, indicates a significant gap between the economies of Eastern and Western Europe in the era of serfdom. Notwithstanding ubiquitous serf agency, regions of high productivity and rapid economic growth were sufficiently uncommon that Eastern Europe increasingly lagged behind the west of the continent. Eastern Europe did, in reality, suffer from economic backwardness, at least in the sense of lower per capita incomes, slower economic growth, lower agricultural productivity, and lower wage rates than western parts of the continent.

Studies at a lower level of aggregation also suggest that the institutional constraints of serfdom reduced productivity and stifled growth. Harnisch's careful calculations for Brandenburg showed that 'even relatively low labour dues ... meant a burdening of the peasant economy'.[52] To fulfil manorial labour demands, serf households had to take family members off other work or employ additional servants. Rising labour services limited serfs' opportunities to undertake additional paid work outside agriculture. Draught animals needed more fodder when required to work on the demesne than when allowed to rest. [53] The many forms of forced and underpaid labour under serfdom created incentives to work late, slowly, or without care; this was a rational strategy for serfs but one that reduced the productivity of labour in the economy.[54] Mobility controls prevented labour from being deployed in its most productive locations. Insecure property rights prevented serfs from using real estate as collateral, deterred them from investing in improvements, and prevented successful farmers from expanding their holdings or leasing multiple farms.[55] The sheer quantity of labour dues, rents, and other manorial burdens left the average Brandenburg peasant, according to Harnisch's calculations, with 'about as much as a farmhand earned in a year'. This in turn prevented serfs from powering a 'Consumer Revolution' or generating significant demand for industrial products.[56] Finally, the actions serfs took to circumvent manorial controls consumed resources in rent-seeking and corrupt payments that could otherwise have been used for productive purposes – what economists call 'directly unproductive profit-seeking activities'.[57] Even manorial rules that were violated caused deadweight losses by shifting economic activity into the informal sector, where property rights were insecure, contract enforcement poor, and risks high.[58]

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[52] H. HARNISCH, *Klassenkämpfe der Bauern*, cit., p. 154.

[53] *Ibid.*, pp. 154-155; H. HARNISCH, *Peasants and Markets*, cit., p. 45.

[54] M. CERMAN, *Villagers and Lords*, cit., p. 35.

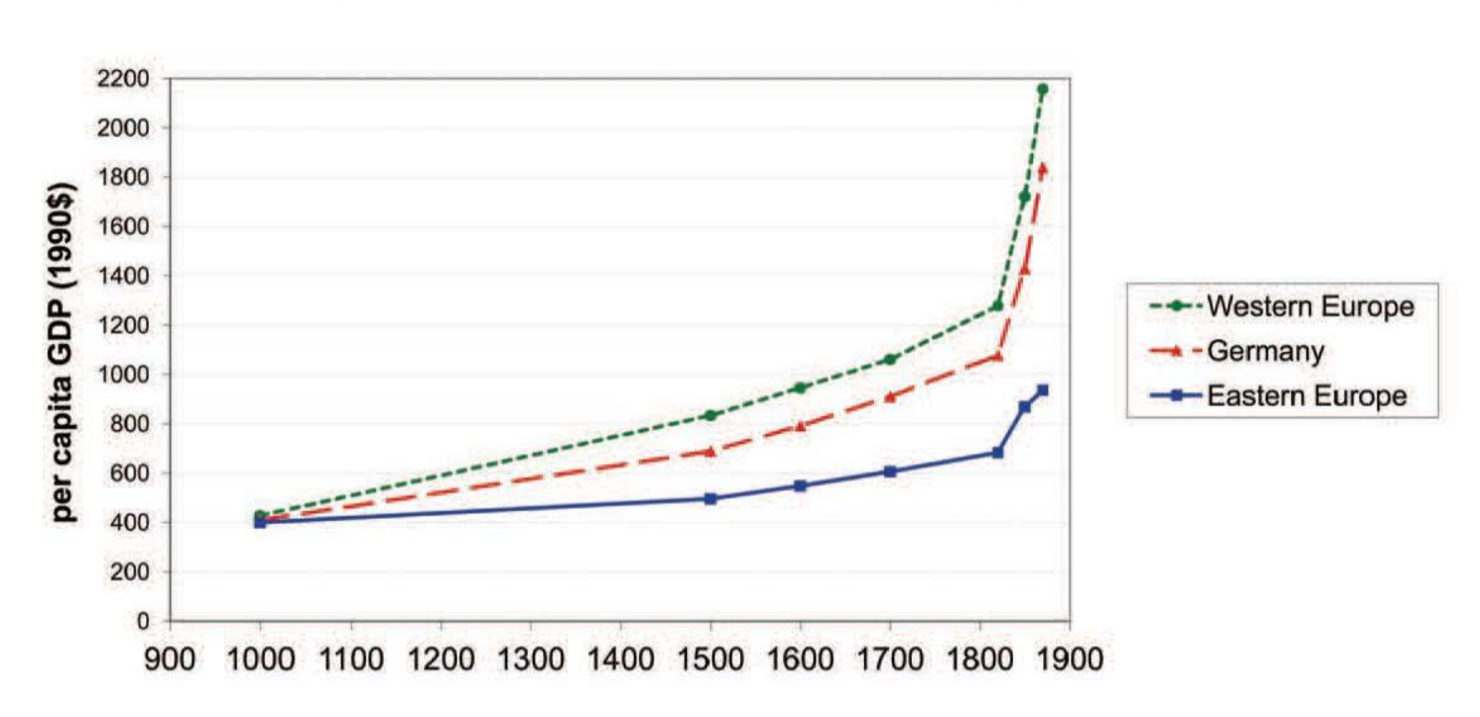
[55] H. HARNISCH, *Die Landgemeinde*, cit., p. 107.

[56] IDEM, *Peasants and Markets*, cit., p. 48.

[57] J.N. BHAGWATI, *Directly Unproductive, Profit-Seeking (DUP) Activities*, in "Journal of Political Economy", 90, 1982, 5, pp. 988-1002.

[58] See S. OGILVIE , *"Whatever Is, Is Right"? Economic Institutions in Pre-Industrial Europe*, in "Economic History Review", 60, 2007, 4, pp. 649-684, 671-674, 681, on the informal sector in early modern Europe.

Fig. 1. Per Capita GDP in Western Europe and Eastern Europe, c. 1000- c. 1870



Revisionists are therefore right to point out that German serfs took rational and entrepreneurial choices, but wrong to conclude that manorial constraints on those choices were irrelevant. Both macroeconomic statistics and microhistorical analyses suggest strongly that lords imposed binding institutional constraints which not only oppressed serfs but hampered economic growth.

3. Communities

German serfdom was shaped not only by manorial institutions but also by communal ones. There are two opposing views of the serf community.[59] The 'manorial dominance' view holds that manorial institutions were so strong that they stifled all autonomous action by serf villages. The pre-existing weakness of east-Elbian communities, the argument goes, was what enabled serfdom to intensify after c. 1500, which in turn enabled lords to weaken village institutions further. The 'communal autonomy' view, by contrast, argues that serf villages enjoyed extensive independence, organizing local life without manorial interference. When east-Elbian German lords tried to intensify serfdom after c. 1500, the argument goes, they encountered vigorous village institutions which directly organized resistance and allied with the state to protect serfs against manorial incursions.[60]

Micro-studies provide vivid evidence that German serf communities were not completely stifled by manorial oppression. On the Prignitz estate of Plattenburg-Wilsnack, for instance, the serf community met every week after church to decide collectively on cultivating the arable land of the village, collecting taxes, deciding inheritances, conducting legal business, informing villagers, keeping the peace, resolving conflicts, planning fire prevention, regulating labour and output markets, organizing poor relief, negotiating with the pastor, taking pledges against cattle damage, collecting fines, selling communal wood, allocating communal revenues, and even judging witchcraft accusations.[61] During the Thirty Years War, serf communities on this estate organized security measures and defended villagers against the marauding soldiery.[62] In the later seventeenth century, serf villages successfully ejected unsatisfactory clergymen, and took collective action against encroachments by other serf communities on village pastures.[63] Village communities organized direct resistance against attempts to intensify serfdom, and appealed to princely and urban jurisdictions against the overlord. There was no

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[59] For detailed discussion, see EADEM, *Communities*, cit., pp. 72-76; T. DENNISON, S. OGILVIE, *Serfdom and Social Capital*, cit., pp. 517-518.

[60] H. HARNISCH, *Klassenkämpfe der Bauern*, cit., pp. 157-158; H. WUNDER, *Das Selbstverständliche denken. Ein Vorschlag zur vergleichenden Analyse ländlicher Gesellschaften in der Frühen Neuzeit, ausgehend vom "Modell ostelbische Gutsherrschaft"*, in *Gutsherrschaft als soziales Modell.*, cit., pp. 23-49; J. PETERS, *Inszenierung von Gutsherrschaft*, cit., pp. 264-265.

[61] *Ibid.*, pp. 269-271.

[62] J. PETERS, *Die Herrschaft Plattenburg-Wilsnack im Dreißigjährigen Krieg – eine märkische Gemeinschaft des Durchkommens*, in *Brandenburgische Landesgeschichte und Archivwissenschaft: Festschrift für Lieselott Enders zum 70. Geburtstag*, F. BECK, K. NEITMANN eds., Weimar 1997, pp. 157-170, 163-164.

[63] *Ibid.*, pp. 166-167.

question about the institutional capacity of serf communities to operate as legally autonomous bodies.[64]

Such findings are a welcome corrective to traditional assumptions that German serf communities were wholly subordinated to manorial institutions. But the complex role of village communities in German serfdom cannot be understood simply by veering to the opposite extreme and assuming that village communities operated successfully and single-mindedly to protect serfs' interests, or even that they created an extensive sphere of 'autonomy' within which serfs could act in complete independence of manorial controls.

For one thing, village institutions did not always succeed in asserting serf autonomy against manorial incursions. As Schultz has pointed out, in German territories such as Brandenburg, resistance by serf communities 'was able neither to hinder nor to limit refeudalization'.[65] Across eastern German societies more widely, as Harnisch emphasizes, we cannot even state definitively that the strength of communal institutions was a significant predictor of manorial weakness under serfdom.[66]

One reason for this was that German serf communities were not fully independent of manorial intervention: the top village officers were selected and appointed by the overlord. On the Prignitz estate of Plattenburg-Wilsnack, for instance, by the mid-sixteenth century the village headman (*Dorfschulz*) was appointed by the manor. By the 1570s the overlord was intervening in the appointment of village justices (*Schöffen*) and reserving right of approval over any legal judgements they and the headman issued in civil cases within the village. The overlord was also ordering the appointment of two 'masters of the peasants' (*Bauermeister*) in each village, who were required to monitor not only the villagers but also the headman, and report any misdeeds to the manor.[67] By the later sixteenth century in the Brandenburg village of Wagenitz, the lord regarded the communal institutions as being under his control and as operating in his interest.[68] In the Brandenburg village of Sachsendorf in 1617, the village headman and village justices were selected and appointed by the overlord.[69] In the Prignitz and the Duchy of Magdeburg in the seventeenth and eighteenth centuries, the offices of village headman and village justices were manorial appointments.[70]

Even the less powerful communal officials who were selected by villagers themselves were co-opted disproportionately by (and from) the top stratum of rich peasant holders. This oligarchy ran the village in its own interests and benefitted from communal autonomy. But more marginal serfs did not necessarily experience village autonomy as an unmixed blessing. Communal institutions typically

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[64] J. PETERS, *Inszenierung von Gutsherrschaft*, cit., pp. 269-271.

[65] Quoted in H. HARNISCH, *Klassenkämpfe der Bauern*, cit., p. 168.

[66] *Ibid.*, p. 170.

[67] J. PETERS, *Inszenierung von Gutsherrschaft*, cit., pp. 266-268.

[68] H. HARNISCH, *Klassenkämpfe der Bauern*, cit., p. 170.

[69] *Ibidem.*

[70] W.W. HAGEN, *Ordinary Prussians*, cit., pp. 58-59, 454-66; H. HARNISCH, *Klassenkämpfe der Bauern*, cit., p. 170 n. 107.

implemented the choices of their most powerful members partly by limiting those of the least powerful – big farmers over labourers, men over women, established householders over unmarried youths, insiders over migrants. The collective action exercised by serf communities cannot be automatically equated with the autonomy or well-being of all serfs in the village, let alone all members of the wider serf society.[71]

These characteristics of serf communities were not merely incidental. Rather, they were central components of how German serfdom functioned. Micro-studies reveal clearly that in normal times – i.e., except during serf revolts – community institutions carried out essential tasks that supported the manorial administration and ensured that serfdom worked.[72] The serf community, as Harnisch points out, was the institution 'which was to a considerable extent responsible for implementing the demands of the feudal overlord'.[73] For one thing, German overlords devolved to communal officers the organization of labour services and the collection of manorial dues.[74] They also deployed an elaborate 'community responsibility system' which made the entire serf community responsible for the failings of any individual. On the Brandenburg estate of Boitzenburg, for instance, if a serf scamped on labour services or vacated his farm, his community had to take up the slack. This created strong incentives for the community to report its delinquent or economically weak members to the manor; such communal reports lay behind many serf expulsions.[75] Collective responsibility for manorial burdens also motivated communities to enforce the mobility restrictions of serfdom, as in 1653 when the serfs of one Brandenburg village pursued an absconding fellow villager as far as the River Elbe on behalf of the manor.[76] Conversely, staying in the good graces of the village oligarchy was essential if a serf hoped to secure a certificate that he had 'on all occasions been a very diligent and good householder', which might in turn persuade the manor to take a positive view of his applications regarding land allocation.[77]

Empirical micro-studies of German serf societies, therefore, suggest that community institutions played a major role in serfs' decisions, counter to the

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71 On social stratification inside German serf villages, see E. MELTON, *Gutsherrschaft*, cit., pp. 345-347; K. BLASCHKE, *Dorfgemeinde und Stadtgemeinde in Sachsen zwischen 1300 und 1800*, in *Landgemeinde und Stadtgemeinde in Mitteleuropa. Ein struktureller Vergleich*, ed. P. BLICKLE, Munich 1991, pp. 119-143, 134-136, 141; T. RUDERT, *Gutsherrschaft und ländliche Gemeinde. Beobachtungen zum Zusammenhang von gemeindlicher Autonomie und Agrarverfassung in der Oberlausitz im 18. Jahrhundert*, in *Gutsherrschaft als soziales Modell*, cit., pp. 197-218, 197, 200-203, 212. On corruption and personal rent-seeking by communal oligarchs, see W.W. HAGEN, *Ordinary Prussians*, cit., pp. 454-466. For analogous findings for serf communities in Bohemia and Russia, see S. OGILVIE, *Communities*, cit.; and T. DENNISON, S. OGILVIE, *Serfdom and Social Capital*, cit.

72 M. CERMAN, *Villagers and Lords*, cit., p. 35; H. HARNISCH, *Die Landgemeinde*, cit., pp. 91-95; W.W. HAGEN, *Ordinary Prussians*, cit., pp. 118, 454-466.

73 H. HARNISCH, *Die Landgemeinde*, cit., p. 93.

74 J. PETERS, *Inszenierung von Gutsherrschaft*, cit., p. 269.

75 H. HARNISCH, *Die Landgemeinde*, cit., pp. 91, 95.

76 J. PETERS, *Die Herrschaft Plattenburg-Wilsnack*, cit., p. 160.

77 Quoted in H. HARNISCH, *Peasants and Markets*, cit., p. 99.

manorial dominance view. However, community institutions did not always act to preserve the autonomy of individual serfs, let alone to protect them against the constraints of serfdom, counter to the communal autonomy approach. Neither dismissing community institutions as powerless nor romanticizing them as a vehicle of serf autonomy does justice to their complex role within German serfdom.

4. The State

The third major institution that shaped serfdom was the state. The literature takes widely differing views of the role of the state in German serfdom. The traditional historiography portrays the German state mainly as a provider of 'peasant protection' (*Bauernschutz*). According to this view, the weakness of rulers east of the Elbe compelled them to rely on the nobility, which prevented rulers from protecting peasants as in the west. Serfdom therefore intensified east of the Elbe because of the weakness of state institutions. Doubt is cast on this view, however, by the examples of early modern societies such as Brandenburg or the Habsburg Lands, where strong state institutions remained wholly compatible with serfdom for centuries.

Marxist historians veer to the opposite extreme, portraying the state simply as 'centralized feudalism'. According to this jaundiced view, the German absolutist state provided occasional redress for serf grievances but solely to safeguard its own extortions. More often, it supported noble overlords against their serfs, out of shared class interests. But this theory also does not wholly explain the evidence that German states competed with the nobility for peasant surpluses, offered redress for serf grievances against overlords, and ultimately pushed for the reform or even the abolition of serfdom.

Revisionist approaches to serfdom reject both traditional and Marxist views, instead portraying the state as largely irrelevant to serfs' lives. Serfs ignored and circumvented state regulations, the revisionists argue, to an even greater extent than they ignored manorial controls. As a result, serfdom was largely untouched by state action, for good or ill.[78] The revisionist view is a welcome corrective to the older literature, in pointing out the limitations of state power and the many aspects of serfs' lives in which it played little direct role.

But this argument must not be taken too far. Micro-studies reveal that in most eastern German societies state institutions exercised multiple effects on serfdom. The state taxed and conscripted serfs. It guaranteed serfs the right to litigate against lords in state courts. It acted as the direct overlord of many serfs on crown domains. Above all, the state shaped, enforced, and ultimately abolished the legal framework which sustained the whole regime of serfdom. The role of the state is

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[78] See J. SCHLUMBOHM, *Gesetze, die nicht durchgesetzt werden – ein Strukturmerkmal des frühneuzeitlichen Staates?*, in "Geschichte und Gesellschaft", 23, 1997, pp. 647-663 for the argument that the early modern German state was an irrelevant issuer of 'laws that were not enforced'; and W.W. HAGEN, *Ordinary Prussians*, cit., pp. 466-473 and *passim*, for the argument that early modern Prussian militarism and absolutism were circumvented by unruly serfs and failed to reinforce the absolutist or the seigneurial order on the local level.

not consistent with simplistic traditional views of 'peasant protection' or 'centralized feudalism'. But nor was the state irrelevant to German serfdom.

4.1. *Taxation and Conscription*

First, the state regarded serfs as its major – often sole – source of tax payments and army conscripts. This gave it two countervailing incentives vis-à-vis serfdom. On the one hand, fiscal interests motivated the state to compete with overlords for serf money and labour. In Brandenburg, for instance, when lords demanded more forced labour, state courts not infrequently granted redress to serfs, if only to safeguard peasants' fiscal capacities.[79] On the other hand, the costs of maintaining state officials on the ground created strong incentives for the state to devolve tax-collection and conscription to local personnel, which meant collaborating with the manorial administration and the whole regime of serfdom.

The organization of conscription under German serfdom illustrates this vividly. Counter to revisionist claims that the absolutist state was largely absent from serfs' lives, the standing army was an institution of decisive importance for the early modern Prussian rural population. Every male serf as he grew up was subject to the grasp of the state in the form of the Prussian army unless and until he was formally released.[80] If a serf family had more than one son who survived to adulthood, at least one of them would be conscripted.[81] Usually the one chosen would be the tallest and strongest.[82] No serf could apply to the manor to take on a landholding without providing information on his age and his height; only short serfs could hope to be freed from conscription.[83] This affected not just the man himself but the whole family, since the Prussian military decided which son would have to be a soldier, and thus which would be left behind to inherit the holding.[84] Surviving serf testimony explicitly describes how state constraints affected people's choices. In 1789, for instance, a peasant woman from Weggun on the Uckermark estate of Boitzenburg explained that she and her husband had agreed to transfer the farm to her eldest son 'solely because they had formed the intention of protecting the son from having to become a soldier'.[85] In 1801, a Boitzenburg widow petitioned to marry a peasant's son who subsequently failed to obtain his release from the army; three months later, she applied for permission to marry a male servant, on the grounds that since he was very small he would be more likely to obtain his release.[86]

So state institutions affected serfs' labour, inheritance and marriage options. But they did so primarily in collaboration with the manorial administration of

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[79] W.W. HAGEN (1989); M. CERMAN, *Villagers and Lords*, cit., p. 50.

[80] H. HARNISCH, *Die Landgemeinde*, cit., pp. 93, 104.

[81] *Ibid.*, pp. 104-105.

[82] *Ibid.*, p. 105.

[83] *Ibid.*, p. 104.

[84] *Ibid.*, pp. 99, 104.

[85] Quoted in *Ibid.*, p. 105.

[86] *Ibid.*, p. 103.

serfdom. On the Uckermark estate of Boitzenburg, for instance, almost every application to transfer a farm to a new serf was accompanied by an application for release from military conscription. The overlord decided which serfs' names went on the list of those to be released from conscription which he sent to the War Ministry annually.[87] So in Prussia at least, the manor and state together decided which male serfs would be allowed to marry, inherit, or get access to land. The whole system of serfdom in this largest and most powerful of eastern German territories was viscerally interconnected with the interests of the absolutist state.

4.2. *Serfs' Access to the Legal System*

A second way the state affected serfdom was by determining serfs' access to the legal system. In most German territories under serfdom, as we have seen, the serfs' own village courts enjoyed the lower jurisdiction, which decided on minor offences, neighbourly conflicts, and land transactions. But the higher jurisdiction over major offences was exercised in the first instance not by princely courts as in western Europe but by manorial courts. Eastern German overlords typically secured this jurisdictional control from princes in return for fiscal and political favours, although to varying degrees in different societies.[88]

In some manifestations of European serfdom, as in Bohemia and Russia, overlords also successfully secured state legislation denying serfs right of appeal to princely courts.[89] But a distinctive characteristic of German serfdom was that in most territories, including Prussia, serfs retained (or were explicitly granted) the institutional entitlement to appeal against their overlords to state courts.[90] Furthermore, since German territories were also part of the Holy Roman Empire, German serfs could appeal not just to the courts of their territorial overlord but to the imperial courts in Vienna. These multiple levels of sovereignty gave German serfs multiple levels of judicial authority to manipulate against their overlords.

The judgements handed down by princely or imperial courts sometimes issued in favourable decisions for German serfs, although this depended on circumstances. One favourable circumstance was if the lord in question had encroached on the institutional prerogatives of other powerful groups in society. In 1579, for instance, the lord of Bredow had not only arbitrarily increased his serfs' labour services but also seriously annoyed other noble lords, powerful towns, and the Elector of Brandenburg himself. As a result, the Bredow serfs secured a commission of inquiry from the Elector, and ultimately a favourable judgement which confirmed them in their customary labour services.[91]

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[87] *Ibid.*, p. 104.

[88] H. KAAK, *Die Gutsherrschaft: theoriegeschichtliche Untersuchungen zum Agrarwesen im ostelbischen Raum*, Berlin/New York 1991.

[89] S. OGILVIE, *Staat und Untertanen in der lokalen Gesellschaft*, cit.; T. DENNISON, *The Institutional Framework of Russian Serfdom*, Cambridge 2011.

[90] W.W. HAGEN, *Ordinary Prussians*, cit., pp. 93, 529, 573, 579-580.

[91] H. HARNISCH, *Klassenkämpfe der Bauern*, cit., pp. 165-167.

Access to state courts was good for serfs but its importance should not be exaggerated. High costs and long delays precluded serfs' using state courts except for the most serious cases. Distant state courts found it difficult to enforce their decisions against lords who held all the reins of local administration, include those which the state itself wanted to keep in being for its own purposes such as taxation and conscription.[92] Even when a state court decided in favour of the serfs, it also often declared solidarity with the lord, as in 1579 when the Elector of Brandenburg confirmed the Bredow serfs' customary services of 'only' three days a week, but also commanded them to refrain from resisting labour dues in future 'on pain of corporal punishment'.[93] Likewise, in 1622 a princely court in Brandenburg confirmed that a particular group of serfs should be maintained with their ancient, finite labour services but also explicitly declared that 'If [the peasants] refuse labour services further in future, the [lord] shall be free to make appropriate use of his *Gerichte* [manorial court jurisdiction]'.[94] As late as 1794, when a number of serf villages in the Altmark of Brandenburg met to discuss commuting labour services to money rents without having first obtained their lord's permission, the Prussian High Court issued a sharp reprimand, warning against any further meetings of this sort by serfs anywhere in the country, on the grounds that the lords had legally acquired their right to levy forced labour services and could 'not do without them if they are to maintain their estates'.[95]

The outcome of legal conflicts between serfs and their overlords was influenced by the power of the ruler relative to the nobility in each German territory. Where the ruler was weak compared to the nobles, the powers of landlords over serfs tended to be greater. But this did not mean that the state had no effect on serfdom in such territories: where the ruler depended heavily on noble support, he not only refrained from granting redress to serfs but positively supported overlords. The extent to which this happened varied among German territories. In early modern Brandenburg, Mecklenburg and Pomerania, rulers lacked alternative sources of financial and political support, so in order to obtain grants of taxes and payment of princely debts they acquiesced in most noble demands, including permission to intensify serfdom and even state enforcement for such intensification. In Electoral Saxony, by contrast, rulers had rich alternative sources of revenue (notably from mining taxes) and political support (notably from the powerful Saxon towns), enabling them to resist noble demands to a greater extent.[96] Rulers' stance towards supporting serfdom also changed over time in eastern German territories. As the absolutist state became more entrenched in Brandenburg, for instance, state courts became much more willing to grant redress to serfs in appeals against landlords, and much better able to enforce their judgements.[97] But even there, as we have seen, the absolutist state's demands for

[92] *Ibid.*, p. 159.

[93] Quoted in *Ibid.*, p. 168.

[94] Quoted in *Ibid.*, p. 163.

[95] Quoted in H. HARNISCH, *Peasants and Markets*, cit., p. 62.

[96] *Ibid.*, p. 41.

[97] *Ibid.*, p. 53.

taxes and conscripts continued to depend heavily on the local manorial administration of serfdom.

4.3. *The State as Overlord*

German rulers also affected serfdom by themselves acting as overlords to non-trivial groups of 'state serfs' on the royal estates. In 1740, it was estimated that royal estates made up one-quarter of the total land area of Prussia as a whole, although it varied from much higher proportions in East Prussia, Lithuania, Magdeburg, Halberstadt, and Kurmark, to much lower proportions in Silesia.[98] At the beginning of the eighteenth century, the princely estates in east-Elbian Prussia had the same social structure as the manors of the nobility: serfs had the same varieties of personal status and property rights, they owed similar types and amounts of labour services, and they were similarly subject to the jurisdiction and regulatory authority of their landlords.[99] But during the eighteenth century, princely estates in Prussia experimented with a variety of reform initiatives with a view to increasing the efficiency of agriculture, or at least the revenue streams to be extracted from it for the good of the state.[100] These reform proposals were justified on the grounds that the existing organization of serfdom in east-Elbian Prussia created economic inefficiency: it left one-third of all cultivable land unused; much land was wasted on extensive agriculture in the manorial demesnes rather than being tenanted with peasants who would cultivate it more intensively; much labour was wasted in forced services which caused human and animal time to be used unproductively; and excessive extortions prevented serf demand from stimulating the growth of industry and commerce.[101]

One initiative that did have some success in Prussia were princely efforts at 'peasant colonization', whereby sub-peasant groups such as smallholders, cottagers and houseless lodgers were allowed to settle alongside the full peasant holders who had hitherto formed the majority of the serfs. The aim was both to strengthen the realm and its armies by increasing population and to reduce reliance on forced labour services by generating a large group of wage labourers. This aim was not achieved, because the cultivation of demesnes on the princely estates using forced labour services continued to appear more profitable than shifting over to paid labourers; but the settlement of sub-peasant groups was successfully undertaken.[102] Such 'new' social strata were also subject to serfdom, but gradually gave it a different meaning since they did not hold land in the traditional way like full peasant holders, and many of them did not hold land at all. Even though peasant holders were already involved in markets, the new and growing strata of cottagers

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[98] H. HARNISCH, *Der preußische Absolutismus und die Bauern. Sozialkonservative Gesellschaftspolitik und Vorleistung zur Modernisierung*, in "Jahrbuch für Wirtschaftsgeschichte", 1994, 2, pp. 11-32, p. 14.

[99] *Ibid.*, pp. 14-15.

[100] See the discussion in *Ibid.*, pp. 13, 15, and *passim*; H. HARNISCH, G. HEITZ, *Feudale Gutswirtschaft*, cit., p. 26.

[101] H. HARNISCH, *Der preußische Absolutismus und die Bauern*, cit., pp. 15-17.

[102] *Ibid.*, pp. 19-21.

and lodgers were much more fully oriented towards the market since they produced hardly any of the food they needed and had to sell their labour. The Prussian state thus affected serfdom directly by encouraging the settlement of sub-peasant social strata on royal estates to a greater extent than noble overlords did on their manors.[103]

Almost all the other initiatives to reform German serfdom before 1807, however, came to naught even on the royal estates.[104] Older literature which claims that the Prussian state abolished serfdom on royal estates from the early decades of the eighteenth century onwards are inaccurate. The personal status and property rights of serfs on royal estates were reformed in minor and uneven ways in the course of the eighteenth century, but the serfs remained subject to migration restrictions and most of the other constraints of serfdom. Likewise, although the kings of Prussia claimed to be granting serfs on their estates property rights, it was never quite clear what this meant. Serfs on royal estates still faced significant constraints on what they were actually allowed to do with their holdings: they continued to be prevented from subdividing them, and they still had to obtain permission from the manorial authorities to sell or bequeath them.[105] Furthermore, royal estates retained the ubiquitous manorial prohibition against serfs and their offspring practising 'bourgeois occupations' (i.e. crafts or trades) without special consent, which manorial administrators continued to deny in many cases in order to maintain the local agricultural labour force.[106] Even though the Prussian royal estates experimented with proposals resisted by noble lords, such as commuting labour dues to money rents and granting property rights to usufruct tenants,[107] serfs were not actually freed even on the royal estates until the Stein-Hardenberg Reforms of 1807.[108]

4.4. *The State and Serf Emancipation*

This leads to the final important way in which the German state affected the lives of serfs: by legislating to shape, sustain and ultimately abolish the entire system of serfdom.[109] This was a major respect in which the development of serfdom in Germany differed from that in other European societies. In England and the Netherlands, serfdom was hardly at all maintained by state legislation and was simply allowed to disintegrate. In France and many western German states, the seigneurial system enjoyed a certain amount of support from rulers, weakened later and more slowly, and only lost its final privileges in the wake of the French Revolution. But in the German-speaking lands in which strong manorialism

[103] H. HARNISCH, *Peasants and Markets*, cit., p. 47; HARNISCH, *Der preußische Absolutismus und die Bauern*, cit., pp. 21-22.

[104] *Ibid.*, pp. 17-19; 30-31; H. HARNISCH, G. HEITZ, *Feudale Gutswirtschaft*, cit., p. 26.

[105] H. HARNISCH, *Der preußische Absolutismus und die Bauern*, cit., pp. 27-28.

[106] *Ibid.*, p. 28.

[107] H. HARNISCH, *Peasants and Markets*, cit., pp. 64-65.

[108] IDEM, *Der preußische Absolutismus und die Bauern*, cit., pp. 23-6.

[109] *Ibid.*, pp. 23ss.

survived – Brandenburg-Prussia, Pomerania, Mecklenburg, Schleswig-Holstein, Saxony – state legislation played an important role both in the maintenance of serfdom and in its ultimate abolition.[110]

The German state, as we have seen, affected serfdom in numerous ways. But arguably the most important was in solving the 'free-rider' problem among landlords. A major reason why labour scarcity issued in serfdom in the east and its dissolution in the west was the divergence in political solutions to this free-rider problem. Labour scarcity created incentives for landlords to compete with one another to offer better conditions to their serfs, and this is what happened in western Europe after the Black Death. But in eastern Europe, landlords responded to labour scarcity by using mobility restrictions to prevent serfs from voting with their feet to migrate to better conditions and cooperating with other lords to send fugitives back. Like any cartellistic arrangement, this was threatened by free-rider problems: lords collectively benefited from other lords' compliance but individually profited by violating the arrangement. In western Europe, these free-rider problems led serfdom gradually to collapse, as lords offered progressively better conditions to peasants in order to attract scarce labour. But in eastern Europe, including eastern Germany, rulers offered themselves as a sort of referee, creating a formal legislative framework that enabled lords to commit themselves collectively not to compete for serfs. This ensured that serfdom survived for centuries, until the state abolished the framework.

State decrees in German territories to abolish serfdom in the late eighteenth and early nineteenth centuries effectuated both more and less than is often assumed, and for that reason are often misinterpreted. They did *more* than is often realised because they changed not only the institutional powers of lords but also often those of the village community. But they also achieved *less* than is often believed because typically they did not wholly abolish the institutional powers of lords under the manorial system, but merely reduced them, requiring a whole series of further steps before serfs were completely emancipated.

In a number of German states, such as Prussia, the state reforms that abolished serfdom actually involved setting up a system of legal obligations requiring former serfs and their descendants to make 'redemption payments' to their former overlords and their descendants.[111] In so doing, the state played a final and important institutional role in serfdom: mediating an enforceable agreement between serfs and overlords which credibly committed former serfs to reimburse former overlords for the losses caused by the institutional transformation. As economic theories of institutions point out, institutional changes that would make the entire economy better off are often prevented by the fact that it is difficult for the potential winners from reform to commit themselves to reimburse the losers after the latter have lost their institutional advantages.[112] The final, fundamental role

[110] H. HARNISCH, *Peasants and Markets*, cit., p. 37.

[111] *Ibid.*, pp. 65-66.

[112] For a discussion of this problem, see S. OGILVIE, *"Whatever Is, Is Right"?*, cit., pp. 666-667; D.ACEMOGLU, *Why Not a Political Coase Theorem? Social Conflict, Commitment and Politics*, in "Journal of Comparative Economics", 31, 2003, 4, pp. 620-652.

of the state in German serfdom was to solve this problem by mediating and enforcing a commitment between winners and losers that would benefit the entire economy.

5. Conclusion

What can we learn about serfdom from early modern Germany? The powers of landlords over serfs under the manorial system varied greatly across German societies, but not in ways that are usefully explained by binary classifications. Earnest definitional debates over whether *Leibeigenschaft* (personal bondage) or *Gutsuntertänigkeit* (estate subjection) were 'really' serfdom largely miss the point, which is to understand how unfreedom affected the well-being of rural people and the growth trajectory of the economy. Micro-historical findings show that the two forms of unfreedom hardly differed in most practical respects. Both of them involved forced labour, mobility restrictions, marriage controls, lack of secure property rights, manorial jurisdiction, and compulsory employment of young adults in forced servanthood on the demesne. Whether these institutional constraints were attached to the person or to the tenurial relationship was of little practical importance in the vast majority of serf decisions, which explains why contemporaries often conflated the two forms of unfreedom. What did matter was the practical implementation of the institutional constraints of serfdom in everyday life.

One component of these constraints consisted of manorial institutions. German micro-studies confirm neither 'manorial dominance' assumptions nor 'revisionist' portrayals of manorial institutions. Serfs made many choices in which the manor did not intervene, but this did not mean that all serf choices were unconstrained. On some early modern German estates, serfdom was fairly loosely organized, leaving more interstices within which serfs could take their own choices; but even in such localities people incurred costs in circumventing manorial regulations. On other German estates, serfdom was brutally enforced and serfs had to incur enormous costs and risks, often operating in the grey or black market, to get around its constraints. Even circumvention of manorial regulations simply created black-market 'informal sectors' in which the fact that transactions were illegitimate rendered them risky, costly, open to exploitation, and much less capable of leading to sustained economic growth. Both microanalyses and macroeconomic outcomes suggest that manorial institutions mattered, both for the well-being of serfs and for the productivity of the wider economy. Eastern European economic backwardness was no myth – unfortunately for the millions whose lives it impoverished.

Communal institutions also played a key role in German serfdom, counter to the 'manorial dominance' view that serfdom suppressed village life. But the full complexity of this role is not reflected in revisionist theories of complete 'communal autonomy'. Community institutions certainly sometimes helped serfs resist manorial incursions. But micro-studies reveal clearly that in normal times village institutions carried out essential tasks that supported the manorial

administration in ensuring that serfdom worked. A far-reaching 'community responsibility system' created brutal incentives for villages to enforce the obligations of serfdom against their own errant members in order to avoid incurring punishment for the entire community. Communal institutions were dominated by an oligarchy: they created a certain autonomy for more powerful serfs, but often at the expense of the weak or the marginal.

The state was also a central component of the institutional framework of German serfdom. But its role was complex and cannot be fully explained in terms of 'peasant protection', 'centralized feudalism', or revisionist assumptions about state irrelevance. Fiscal and military interests made rulers simultaneously rivals and collaborators with manorial lords for the streams of benefits they could extort from serfs. As rivals to lords, rulers offered serfs legal redress against manorial abuses and experimented with agrarian reforms on royal estates. As collaborators with lords, rulers devolved taxation and conscription to them in return for state enforcement. The tense equilibrium between these two countervailing interests on the part of rulers gave rise to centuries of near-stasis in most territories of eastern Germany, during which the state supplied the coercive force that maintained serfdom by solving 'free-rider' problems among lords. The centrality of state institutions survived to the bitter end of German serfdom, when the state did not so much abolish serfdom as mediate an enforceable commitment by which former serfs and their successors compensated former overlords and their successors.

Serfdom, as the German evidence shows, cannot be understood in isolation from the wider institutional framework within which it was embedded. It did not consist merely of manorial rights to extort labour, control land, restrict mobility, or judge serfs. Indeed, serfdom cannot be understood in terms of manorial institutions alone. Rather, we must examine the entire framework of institutional constraints within which rural people made their decisions. Serfdom could only work in conjunction with institutional constraints imposed by the community and the state, sometimes in opposition to the manor but surprisingly often in collaboration with it. This gave rise to a complex situation in which serfs in different societies, different estates in the same society, and different time-periods on the same estate, were subject to differing degrees of institutional control on their choices. This in turn had far-reaching implications for the well-being of individual serfs and the performance of the entire economy. Understanding serfdom requires moving away from terminological debates about whether a particular situation should or should not be defined as 'serfdom', and instead focussing on how rural people's choices were constrained and facilitated by the multiplicity of institutional constraints within which they had to operate.

Alexander Klein

The Institutions of the 'Second Serfdom' and Economic Efficiency: Review of the Existing Evidence for Bohemia[1]

I. Introduction

One of the quintessential features of the economic, political, and social development of early modern Bohemia was the rise of the so-called 'second serfdom', which was characterized by a considerable expansion in the powers of landlords to infringe upon the social and economic life of ordinary individuals, especially the inhabitants of rural areas. During the period between the sixteenth and the later eighteenth century, landlords in Bohemia expanded their demesne operations, increased rents, intensified their demands for coerced labour, regulated demographic choices, migration, and market transactions, levied dues on non-agricultural activities, and reinforced their own monopolies[2]. This intensification of the infringement of landlords upon the economic life of ordinary people in Bohemia did not stay unnoticed by scholars. Czech historians have spent many decades debating the roots of the Bohemian 'second serfdom', its main players, their interactions with each other, developments over time, and the effects of this intensified manorial intervention upon economic, demographic, and social life in the Czech lands between the Middle Ages and the Industrial Revolution.

This paper discusses the effects of the institutions of this so-called 'second serfdom' on economic activities in Bohemia, in the light of the secondary literature published over the past few decades. Since the 'second serfdom' increased the powers of landlords over the economic interactions which allocated resources in the economy, it is only natural to focus on how the institutional framework which it

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[1] I am grateful to Sheilagh Ogilvie who carefully read earlier draft of this paper and provided invaluable comments, and Keisuke Otsu for helpful discussions.

[2] E.g. K. KROFTA, *Dějiny selského stavu*, Praha 1949 (Jan Laichter); A. KLÍMA, *Manufakturní období v Čechách*, Praha 1955 (Nakladatelství Československé Akademie Věd); A. MÍKA, *Poddaný lid v Čechách v první polovině 16. Století*, Praha 1960 (Nakladatelství Československé Akademie Věd); J. PETRÁŇ, *Poddaný lid v Čechách na prahu třicetileté války*, Praha 1964 (Nakladatelství Československé Akademie Věd); S. OGILVIE, J. EDWARDS, *Women and the "Second Serfdom": Evidence from Early Modern Bohemia*, in "Journal of Economic History", 60, 2000, 4, pp. 961-994; S. OGILVIE, *The Economic World of the Bohemian Serf: Economics Concepts, Preferences, and Constraints on the Estate of Friedland, 1583-1692*, in "Economic History Review", 54, 2001, 3, pp. 430-453; EADEM, *Communities and the "Second Serfdom" in Early Modern Bohemia*, in "Past and Present", 187, 2005, pp. 69-119; EADEM, *Staat und Untertanen in der lokalen Gesellschaft am Beispiel der Herrschaft Frýdlant (Böhmen)* in *Untertanen, Herrschaft und Staat in Böhmen und im "Alten Reich". Sozialgeschichtliche Studien zur Frühen Neuzeit*, M. CERMAN, R. LUFT eds. Munich 2005 (Oldenbourg), pp. 51-86.

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantecinquesima settimana di studi", 14-18 aprile 2013*

imposed affected the allocation of scarce resources in the early modern Czech lands. The historiography indicates that the 'second serfdom' negatively influenced the economic life of rural people. This suggests that we need to pose two specific questions:

1. How did the 'second serfdom' affect the efficiency of resource-allocation in the Czech economy?
2. Which resource allocation-mechanisms were the ones most affected under the Czech 'second serfdom'?

Examining the economic impact of the institutions of the 'second serfdom' is important not only because the intensification of manorial intervention across substantial swathes of the European continent between the medieval period and the nineteenth century is a significant development in itself. Recent research on long-run economic development has suggested that analysing the early modern period is crucial for our understanding of the economic divergence between Western and Eastern Europe[3]. Shedding light on the economic consequences of the 'second serfdom' is therefore crucial for our understanding of the differences in the long-run economic development of those two parts of Europe.

As was mentioned above, the rise of the 'second serfdom' was a process which involved an increasing dominance of landlords over economic interactions. Economic theory provides a useful framework for thinking about the 'second serfdom'. One point of view, advocated by Ogilvie[4] considers the 'second serfdom' as a set of constraints on the choices made by economic agents. Specifically, she investigates how the 'second serfdom' limited people's migration, marriage, consumption, and land transaction decisions. Another approach, the one advocated in this paper, considers the 'second serfdom' to be a set of obstacles to the efficient allocation of scarce resources. These two approaches are actually complementary to each other: the former approach focuses on the choices made by economic agents under the constraints imposed by the 'second serfdom', the latter zooms in on the consequences of those choices from the point of view of economic efficiency.

The following aspects of economic life under the 'second serfdom' are the ones most intensively discussed in the literature: migration, coerced labour, occupational choice, consumption restrictions, land markets, and marriage decisions. This paper discusses the effect of second serfdom institutions on those aspects of economic life through the lens of economic efficiency. It proceeds as follows. The second section introduces the concept of economic efficiency and discusses potential sources of inefficiency in a developing economy. The third section presents legal framework of the Bohemian 'second serfdom' and discusses the functioning of economic institutions under the 'second serfdom' in this part of early modern Europe. The fourth section assesses the impact of the 'second serfdom' on the

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[3] R.C. ALLEN, *Economic Structure and Agricultural Productivity in Europe, 1300-1800*, in "European Review of Economic History", 4, 2000, pp. 1-26; S. BROADBERRY, B. GUPTA, *The Early Modern Great Divergence: Wages, Prices and Economic Development in Europe and Asia, 1500-1800*, in "The Economic History Review", 59, 2006, 1, pp. 2-31.

[4] S. OGILVIE, *The Economic World of the Bohemian*, cit.; EADEM, *Communities and the "Second Serfdom"*, cit.; EADEM, *Staat und Untertanen*, cit.

efficiency of the mechanisms for allocating resources in the Bohemian economy. The fifth section discusses the wider conclusions that can be drawn from these findings.

II. ECONOMIC EFFICIENCY AND SOURCES OF INEFFICIENCY[5]

Why did some countries grow rich and some remain poor? Why did some countries industrialize earlier while others did so much later? Economic theories of long-run development provide a useful framework for thinking about those questions. Economists have identified two key elements affecting economic development: the accumulation of inputs into production, and the productivity with which those inputs are used. We can break down differences in productivity among countries into two main components: differences in technology, and differences in efficiency. Technology can be seen in terms of scientific advances and the dissemination of knowledge; efficiency is viewed in terms of the organization of production and resource-allocation. The institutions of the 'second serfdom' were able to influence the accumulation of inputs, technology, and efficiency. Since the focus of this paper is the effects of the Bohemian second serfdom on efficiency, let us examine the phenomenon of efficiency in greater detail.

Efficiency is defined as the effectiveness with which factors of production (land, labour and capital) are combined with technology to produce output.[6] It is a concept which accounts for differences in productivity *other* than differences in technology. Investigations of the differences in long-run economic development among countries often points to sources of inefficiency. Indeed, it is often the case that a number of countries can have access to the same technology and production inputs, yet some of the countries are richer while others are poorer. In these situations, a very probable reason for such divergence in economic outcomes is that the poorer countries are suffering from inefficient utilization of inputs and technology and inefficient approaches to combining the two.

This means that a deeper understanding of inefficiency is necessary. Economic theory identifies several types of inefficiencies: rent-seeking (or unproductive activities), misallocation of input factors among different economic sectors, misallocation of input factors among firms, and technology-blocking.[7]

Rent-seeking is an unproductive activity which includes the use of law, government, or other institutions to obtain private benefits. Specifically, rent-seeking activity brings a payment to a factor of production which is in excess of what is required to secure the supply of that factor. Examples of rent-seeking are protected monopolies and quotas to limit imports of goods. Rent-seeking activities not only impose direct costs on the economy because resources are being devoted to non-productive activities, but also inflict indirect costs because human effort and

[5] This section is based on D. WEIL, *Economic Growth*, 2nd edition, Prentice Hall 2008, chapters 2, 7, 10.

[6] *Ibid.*, chapter 10.

[7] *Ibid.*, pp. 286-302.

skill is reallocated into rent-seeking if it rewards their talents better than productive activities. The relative rewards of rent-seeking and productive activities depend on the institutional structure of the economy.

Misallocation of factors among sectors is an example of inefficiency resulting from resources being used in the 'wrong' – i.e. less productive – economic sectors or regions of a country. In a functioning market economy, the distribution of factors of production among sectors is driven by the relative rewards offered by each sector. These relative rewards reflect the sectors' relative productivity. Factors of production move to the sectors which offer the highest reward, thereby achieving the highest productivity. Labour, for example, will move to those sectors of the economy which offer the highest real wage, which is also where it is able to be most productive. There are two possible reasons why factors might not be distributed between sectors optimally. First, there may be barriers to mobility: factors of production may be prevented from moving between sectors. Second, the payment received by factors of production may not reflect their marginal productivity. Again using labour as our example, if there are barriers to labour mobility between economic sectors, then the labour force cannot distribute itself in such a way that the productive capacities of the sectors are fully utilized; this leads to inefficiencies. Indeed, if the various factors of production (labour, land and capital) are not paid for according to their marginal productivity, then economic agents lose the incentive to move these factors between sectors, resulting, again, in inefficiencies.

In a similarly way to the misallocation of inputs among different sectors in the economy, it is also possible for there to be *misallocation of factors among firms*. Here, the concept of the 'firm' refers to whatever are the different types of production units in the economy: in the case of Bohemia under the 'second serfdom, the 'firms' would consist of peasant holdings, manorial demesne farms, proto-industrial workshops, demesne manufactories, etc.. In a functioning market economy, input factors will move from less productive to more productive firms. But there are a number of obstacles that may prevent that movement. For one thing, high- and low-productivity firms may collude to maintain high prices rather competing with each other. For another, low-productivity firms may get help from powerful institutions. This can take a number of different forms: trade protection, monopoly power, and other restrictive practices.

Technology blocking is another form of inefficiency we need to look for in analyzing any institutional framework, including the 'second serfdom'. This occurs when it would be technically possible for a particular technology to be used, but an individual or institution deliberately prevents this from happening because the implementation of that technology, while benefiting the economy as a whole, threatens to make some economic agents worse off. The intensity and success of technology-blocking in an economy depends on the relative power of those harmed by new technology and those who benefit from it, and this in turn is affected by the institutional mechanisms available to both groups of economic agents to impose their interests on the wider economy.

To summarize, economic inefficiency is a major reason why economic performance differs across countries. Impediments to efficiency cause misallocation of resources among sectors and firms, rent-seeking, and technology blocking. The

institutions of the 'second serfdom' had the potential to act as impediments to economic efficiency in all these ways. To see how exactly they were able to cause an inefficient use of resources, we now discusses the inner workings of the institutions of the 'second serfdom' in early modern Bohemia and the incentives they created which allowed economic inefficiency to emerge.

III. The 'second serfdom' in early modern Bohemia

As discussed in the introduction, the 'second serfdom' was an institutional arrangement which provided landlords with a wide variety of powers over the rural population.[8] Before examining the efficiency consequences of those landlord powers, it is important to discuss the institutional arrangements in detail.

Over the past century, scholars of early modern Bohemia and the 'second serfdom' in general have engaged in long debates about the character of the second serfdom. Earlier accounts emphasized legal aspects of the second serfdom[9], but later scholarship went beyond that and analysed the inner workings of the institutions of the 'second serfdom'. Some of that later literature has sought to argue that the legal framework of the 'second serfdom' was weakly enforced, and therefore the institutions of the 'second serfdom' actually did not matter because it was possible for serfs to get around them[10]. Even though the traditional, solely legal approach to the 'second serfdom' is outdated, it nevertheless contains very important information. Combining a clear understanding of the legal restrictions imposed by the 'second serfdom' with detailed investigations into how these restrictions were implemented on the ground reveals that the legal framework exercised a crucial impact on economic behaviour. The fact that the laws codifying the Bohemian 'second serfdom' could be (and sometimes were) not fully enforced, and that they could be (and sometimes were) circumvented by the peasants, does not imply that these legal restrictions exercised no constraints on serfs' lives and that they did not cause any economic inefficiency. On the contrary, the mere fact that those laws *had* to be circumvented itself caused inefficiency by requiring resources and time to be devoted to such circumvention. As a consequence, any analysis of the second serfdom must start with its legal aspects before it proceeds to its actual inner workings to see how it affected the economic life of rural people. The rest of the paper is going to do so: discuss the legal aspects of the second serfdom, limitations of purely legal approach to the second serfdom, and then thoroughly discusses the practice and actual inner workings of the second serfdom institutions.

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[8] The urban population in Bohemia was also subject to the institutions of the 'second serfdom', but the restrictions on town inhabitants were less strict and towns often enjoyed certain freedoms and privileges (see e.g. J. PETRÁŇ, *Poddaný lid*, cit.).

[9] E.g. K. KROFTA, *Dějiny selského stavu*, cit.

[10] E.g. M. CERMAN, *Villagers and Lords in Eastern Europe, 1300-1800*, Palgrave 2012 (Macmillan).

The legal framework of the 'second serfdom' in Bohemia

It is a difficult task to provide a full characterization of the legal framework of the 'second serfdom' in early modern Bohemia. Even though some of the laws codifying the 'second serfdom' applied to the entirety of Bohemia, the majority were based on local laws and customs. The implementation and intensity of these local laws and customs depended upon the decisions of landlords who in turn responded to changes in the social, political and economic conditions. As a results, there was no unified or all-encompassing legal framework for the second serfdom in Bohemia; rather, there were numerous legal frameworks, some of them quite similar to one another, some rather different[11]. Despite these caveats, outlining the major legal developments which crucially influenced the scope and intensity of the 'second serfdom' in Bohemia enables us to understand the core aspects of the local laws and customs governing its implementation on the ground, which possessed many similarities amid their sheer variety.

Much of the literature dates the emergence of the legal framework of the 'second serfdom' in Bohemia to the second half of the fifteenth century, specifically to laws of 1487 and 1500 which codified restrictions on peasant mobility and other rights for landlords across the entirety of Bohemia[12]. Mobility restrictions in rural Bohemia in fact date back to 1437, with court orders requiring that absconded peasants be returned to their landlords. Later developments intensified this restriction by making it obligatory for towns to return absconded peasants to their landlords (in 1485) and by laying down heavy fines for failing to do so (in 1487)[13]. Later developments also bear witness to a gradual limitation of personal freedoms. In 1497, the Czech parliamentary assembly laid down that a widow was not to be allowed to marry a man living on the estate of another landlord without permission from her own landlord; this law then became part of the National Ordinance (*Landesordnung*) of 1500 and the New National Ordinance of 1627[14]. The National Ordinance of 1549 laid down that if a peasant was forced to sell his holding, he and any of his children below the age of nine years should be released from obligations to the landlord, but any offspring above the age of nine should continue to be the 'subjects' of that landlord[15]. In addition to the laws which applied across the entirety of Bohemia, a number of local laws and customs began to emerge which imposed the requirement that a peasant obtain his landlord's permission if he wanted to sell in local markets or learn a craft or trade, and which increased the level of forced labour services (*robota*) which peasants were obliged to perform for their landlords.

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[11] E.g. J. KOČÍ, *Problém druhého nevolnictví v českých zemích v období pozdního feudalizmu*, in "Historické štúdie", 17, 1972, pp. 63-68.

[12] E.g. W.E. WRIGHT, *Serf, Seigneur, and Sovereign,* Minneapolis 1966 (University of Minnesota Press).

[13] K. KROFTA, *Dějiny selského stavu*, cit., p. 100.

[14] *Ibid.*, p. 108.

[15] *Ibid.*, p. 106.

We should not overstate the immediate effectiveness of those laws. Even though they signalled a return to serfdom, or even an introduction of serfdom in places it had not previously existed, it was typically not until after the Thirty Years War that the full weight of serfdom was imposed on peasants in many parts of Bohemia. Admittedly, in the late sixteenth century, peasants in Bohemia were legally serfs: they were attached to the soil, restricted in their mobility, required to perform forced labour services (*robota*) or pay fees in lieu of them, and subjected to manorial jurisdiction. Furthermore, by that period their position was already insecure, as the monarch did not exercise his power at the local level as a counterweight the power of aristocratic landlords. On the other hand, increases in forced labour services (*robota*) at that period still tended to be compensated for by grants of privileges such as wood-cutting rights for fuel or permission to use grazing lands; manorial permission to marry, learn a craft or trade, or migrate was required but were not excessively difficult to obtain[16]. It was the Thirty Years War which seems to have been pivotal in intensifying the implementation of the 'second serfdom' in Bohemia and expanding its scope. The combination of the destruction caused by the Thirty Years War across much of Bohemia, the new constitutional arrangement between the monarch and the nobility, and the widespread population decline created the conditions that contributed to an increased intensity of the existing legal framework codifying the 'second serfdom' in the Czech lands.

The constitutional development in Bohemia after the Thirty Years War is an important element in understanding the legal aspects of the second serfdom, and therefore deserves closer attention. The Renewed Land Ordinance of 1627 declared the kingdom of Bohemia to be hereditary in the Habsburg family and Bohemia lost its right to elect the monarch. Furthermore, the crown was assigned the right to legislate and to amend the law, and the political power of the nobility was severely limited. However, one important aspect of government was left to the nobility in Bohemia: granting taxes to the king and collecting these taxes. Furthermore, the Renewed Land Ordinance of 1627 established complete dominion of the landlord over his rural 'subjects' and placed the civil and judicial administration of every estate in the hands of the landlord of that estate. This implies that from a legal point of view, the strengthening of the 'second serfdom' took place within the framework of the laws and customs prevailing in Bohemia before the Thirty Years War. Thus it was driven by a combination of the incentives created for powerful groups by the worsening socio-economic conditions on the one hand, and the vague and flexible nature of the existing local laws and customs on the other: it was not brought about by the emergence of any new laws codifying an increased strength of serfdom. In other words, the legal framework of the institutions of the 'second serfdom' in Bohemia consisted of a continuation of the existing laws and customs, which were now practiced much more strictly than they typically had been before the Thirty Years War. And it was the practice of laws and customs limiting the possession of land and personal freedoms (such as freedom to migrate, marry, acquire education, engage in market transactions), and requiring forced labour in

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[16] A. MÍKA, *Poddaný lid*, cit.; W.E. WRIGHT, *Serf, Seigneur, and Sovereign*, cit.; IDEM, *Neo-Serfdom in Bohemia*, in "Slavic Review", 34, 1975, 2, pp. 239-252.

the form of ***robota*** (or fees to be paid in lieu of labour) which lay at the heart of the institutions of the 'second serfdom' in Bohemia.

The practice of the 'second serfdom'

How did the second serfdom operate in reality? It depended on which personnel implemented the constraints on personal liberties, and how intensively they did so. It is recognized in the literature that the implementation of laws and customs under the Bohemian 'second serfdom' resulted from a complex web of interactions between the monarch, the landlord, community officials, and ordinary rural people[17]. The historiography also emphasizes the existence of substantial regional variation across Bohemia in how intensively the constraints of the 'second serfdom' were implemented[18]. For example, forced labour in the form of ***robota*** was widely prevalent and quite strictly implemented in the agricultural regions of central and southern Bohemia, while it was less prevalent and less severely enforced in regions where crafts, proto-industries, and emerging manufactures predominated over agricultural production[19].

There is fairly widespread agreement among scholars that the involvement of the monarch and the central state in the legal and practical aspects of the 'second serfdom' in Bohemia was quite limited until the middle of the eighteenth century. Thus although the state issued 'Patents' or edicts concerning forced labour services (***robota***) in 1680, 1717, and 1738, these are generally considered to have been ineffective[20]. After the mid-eighteenth century, the Habsburg state played an increasing role in Bohemian serfdom, and Emperor Joseph II was, of course, instrumental in the abolition of Bohemian serfdom in 1781.

By contrast, the role of communities under the Bohemian 'second serfdom' has been extensively discussed[21]. Micro-level studies[22] reveal that village communities played a quite complicated role when it came to the implementation of the institutional constraints of the 'second serfdom' in Bohemia. Cooperation between the landlord's manorial administration on the one hand, and the community institutions of the serfs on the other, appears to have been essential in ensuring the implementation and enforcement of the 'second serfdom' on the ground. In certain respects, such as contract enforcement and conflict resolution, power even shifted away from landlord to village community over the course of time. A detailed analysis of the Bohemian estate of Frýdlant[23] shows that landlords intervened decreasingly in the inner workings of serf villages as time passed, giving rise to a

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17 K. KROFTA, *Dějiny selského stavu*, cit.; A. MÍKA, *Poddaný lid*, cit.; S. OGILVIE, *Communities and the "Second Serfdom"*, cit.; EADEM, *Staat und Untertanen*, cit.

18 E.g. A. KLÍMA, *Manufakturní*, cit.; J. PETRÁŇ, *Poddaný lid*, cit.

19 See e.g. *Ibidem.*

20 On this, see e.g. E. MAUR, *Poddanská politika pobělohorského absolutizmu v Čechách*, in "Acta Universitatis Carolinae Philosophica et Historica", 3, 1989, pp. 87-99.

21 See, e.g., S. OGILVIE, *Communities and the "Second Serfdom"*, cit.; EADEM, *Staat und Untertanen*, cit.

22 *Ibidem.*

23 *Ibidem.*

growing power of community institutions, at least in some respects. The increasing ability of Bohemian village communities to organize the delivery of forced labour services (*robota*), rents, state taxes, and military conscripts on behalf of the landlord diminished his incentives to incur the costs of intervening in the affairs of villages in matters that did not affect his own advantage. Related to this situation was a significant association between wealth and the holding of community office. Typically, office-holders were recruited from the members of well-off landed serf families, who then ran the village in their own interests, sometimes at the expense of the lower social strata, women and outsiders[24]. It is possible to trace the effects of this institutional situation in terms of the efficiency framework discussed above in Section I. Village office-holders had incentives to behave as oligopolists, to extract rents, to use village resources for their own use, and to allocate taxes in such a way that it limited their own tax burden and shifted it onto others. This, as shown in Dennison and Ogilvie[25], was often the case: village officers had a lot of autonomy, and were responsible not only for organizing internal village affairs but also for administering manorial demands on the local level. This gave them the power to allocate taxes in ways that benefited them and their families. They also regulated property rights and access to land in their own interests. Even the regulation of migration, household structure and marriage under the 'second serfdom' was conducted in such a way as to comply with manorial demands but also secure benefits for the more powerful members of the communal oligarchy.

The Czech historiography of the past five decades provides vivid and concrete evidence of the ways in which the constraints of the 'second serfdom' were implemented on the local level in early modern Bohemia. These constraints included migration controls, marriage restrictions, limits on the accumulation of human capital, barriers to access to land and limits on property rights, the regulation of consumption, and the extortion of forced labour services in the form of *robota*.

Migration constraints

From the late fifteenth century onwards, Bohemian serfs required permission from their landlords to leave the estate. Absconding serfs were subjected to fines[26], and in 1650, a special 'Patent' (state edict) was issued requiring that absconded serfs be returned to their landlords[27]. Fines were also levied on those who accepted absconding serfs into their estates or towns. Landlords were able to make use of the legal court system to claim back their any of their serfs who absconded[28]. Obtaining from one's landlord an official permit to migrate (a so-called 'výhostní list') was expensive. Krofta cites cases from the region of Třeboň at the turn of the

[24] *Ibid.*, pp. 116-119.

[25] T.K. DENNISON, S. OGILVIE, *Serfdom and Social Capital*, cit.

[26] K. KROFTA, *Dějiny selského stavu*, cit., p. 196, J. PETRÁŇ, *Poddaný lid*, cit., pp. 188-189.

[27] K. KROFTA, *Dějiny selského stavu*, cit., pp. 196-197.

[28] *Ibid.*, p. 197.

eighteenth century in which obtaining a manorial permit to migrate cost more than 3 per cent of a serf's wealth. On the estate of Postoloprty at the same period, a migration permit cost between five and ten per cent of a serf's wealth, on a sliding scale which was determined by the total wealth of the applicant[29]. A detailed study of the estate of Frýdlant finds that in the period 1652-82, out of a total of 106 petitions for migration permits and emancipation permits, only 25 per cent were granted unconditionally, 43 per cent on condition that the applicant fulfil certain manorial requirements, 10 per cent were deferred, and 21 per cent were refused outright[30].

This did not mean that Bohemian rural people did not migrate at all. Seasonal migration was quite common and peasants without land or those with only small plots of land were much more likely to have been allowed to move away from the estate without much interference from the landlord, since he did not regard it as harming manorial interests[31]. There is also evidence that towns ignored requirements to return absconding peasants[32]. But the fact that some Bohemian serfs can be observed migrating in some circumstances does not mean that labour was able to move freely in the early modern Bohemian economy. Despite the possibilities of migration for certain individuals and social groups whose mobility did not threaten manorial interests, in general the 'second serfdom' imposed constraints on the free movement of the labour force, either by direct prohibition, or by making it very costly to obtain a permit, or by making it very risky to migrate without first securing the compulsory permit from one's landlord. In terms of the efficiency framework sketched out in Section I, this prevented the allocation of labour to those regions and sectors of the Bohemian economy in which it perceived its efforts to have the highest productivity. Instead, labour was allocated to those locations in which the landlord wanted to have it for his own profit, regardless of whether it would have been more productive in a different location which the workers identified and selected for themselves.

Child labour and human capital

The strengthening of the institutions of the 'second serfdom' in Bohemia was very noticeable in the sphere of serfs' offspring. Landlords often used child labour for forced service on the manorial demesne or in the lord's own household. The reality of this forced labour by children, adolescents and unmarried youths differed from one Bohemian estate to another. On some estates, the forced labour extorted from serfs' offspring was paid a 'wage' (albeit one dictated by the lord as employer), while on others it was not even paid this dictated 'wage'. The number of years of

[29] *Ibid.*, pp. 197-198.

[30] S. OGILVIE, *Communities and the "Second Serfdom"*, cit., p. 93; EADEM, *Staat und Untertanen*, cit.

[31] J. SVODOBA, *Feudální závislost poddaných na české vesnici v době tereziánké*, in "Acta Universitatis Carolinae Philosophica et Historica", 3, 1969, pp. 71-106, 86-90; E. MAUR, *Český komorní velkostatek v 17. Století*, Praha 1976 (Univerzita Karlova), p. 128.

[32] J. PETRÁŇ, *Poddaný lid*, cit., p. 193.

service which were extorted from young people also varied across Bohemian estates.

Arguably an even more profound control of Bohemian landlords over the offspring of their serfs is discussed by Krofta[33]. In the period after the Thirty Years War, he points out, Bohemian serfs were often obliged to seek permission from their landlords if they wanted their children to acquire either higher education at university or vocational training through apprenticeship to a craft or trade. In the estate of Jindřichův Hradec in 1660, for instance, serfs were not allowed to put their offspring into an apprenticeship without prior permission from the overlord. Violations of this regulation were considered to be as serious offences against the institutional privileges of the landlord as absconding altogether. Such manorial restrictions on human capital accumulation by the offspring of serfs were intensified by the trade and guild ordinances issued by Charles VI which instructed Bohemian guilds to refuse to accept any young person into an apprenticeship without formal permission from that person's overlord[34]. Klíma[35] also discusses the negative attitudes of Bohemian landlords to education and vocational training on the part of their serfs and their serfs' offspring. Freedom to enter into an apprenticeship was also quite strictly regulated on the estates owned directly by the monarch, as shown in the research undertaken by Maur[36]. The grievances submitted by Bohemian serfs during the great uprising of 1680 also include a number of cases in which serfs complained that the education of their offspring was either prevented altogether or permission to obtain an education was made prohibitively expensive by the obstacles imposed by the landlord[37].

Marriage controls

The marriage decisions of serfs was another sphere in which Bohemian landlords intervened, and this intervention became especially active after The Thirty Years War[38]. Bohemian couples had to obtain manorial permission in order to get married, and it was not uncommon that such permission was not granted. In 1720, for instance, the Lord of Schwarzenberk ordered his manorial administrator to allow marriages only of those who owned a landholding, while marriages of landless lodgers (*Hausgenossen, podruhy*) were to be restricted[39]. The situation on Bohemian estates owned directly by the monarch was similar: here, marriages of serfs had to be approved, and conversely marriages were sometimes forced upon couples[40]. A significant presence of the institutions of the 'second serfdom' in serfs'

33 K. KROFTA, *Dějiny selského stavu*, cit., pp. 204-207.

34 *Ibid.*, p. 204.

35 *Ibid.*, pp. 167-168.

36 A. KLÍMA, *Manufakturní*, cit., p. 128.

37 *Prameny k nevolnickému povstání v roce 1680*, ed. E. ČÁŇOVÁ, Praha 1986 (Tisková, ediční a propagační služba místního hospodářství), pp. 149-150.

38 K. KROFTA, *Dějiny selského stavu*, cit., pp. 207-08)

39 *Ibid.*, p. 208.

40 E. MAUR, *Český komorní*, cit., p. 128.

marriage decisions is documented by Ogilvie[41], who finds that on the estate of Frýdlant in the period 1583-1692, out of 111 manorial court cases involving marriage permits, only 33 per cent were granted outright, 39 per cent were granted conditionally, 5 per cent were deferred, and 18 per cent were refused[42]. On estates throughout Bohemia, it was not uncommon for landlords to demand that serfs pay fees in order to obtain permission to marry, a state of affairs that persisted until the 1760s when Empress Maria Theresa issued a 'Patent' (state edict) substantially reducing the maximum fee that landlords could charge, but not abolishing it completely. Nevertheless, even after that date, there were still Bohemian estates on which the landlord can be observed demanding marriage permission fees higher than laid down in the 1760 patent, for example the estates of Chric, Mastov, and Valec[43] – a good illustration of the limits of the control that state institutions were able to exert over the institutional powers of landlords during the Bohemian 'second serfdom'.

Consumption

The institutions of the 'second serfdom' in Bohemia were also used to restrict the right for serfs to brew and sell beer. The brewing and consumption of beer had been subject to restriction for a long time in Bohemia, although it seems that on many Bohemian estates the right to brew beer for one's own household consumption was not restricted even after the Thirty Years War[44]. However, on many estates the manorial administration required that taverns purchase all their beer, wine and other spirits solely from the demesne breweries and distilleries owned and operated by the landlord[45]. In 1638, for example, Jaroslav Bority z Martinic ordered, under the threat of heavy fines, that taverns on his estate were not to buy beer or wine from any other provider than himself[46]. On the estates of Frýdlant and Novohradsky, the manorial administrations forbade the production of any beer by the serfs[47]. The lords of Nelahozeves, Pardubice, Rymburk, and Chroustovice inflicted fines and even physically punishment on any serf who purchased beer from other providers[48].

Not only did Bohemian landlords prohibit serfs from consuming beer and spirits produced by other providers, thereby securing a monopoly for their own demesne brewery and distillery. They also often enforced quotas of beer and wine

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[41] S. OGILVIE, *Communities and the "Second Serfdom"*, cit.; EADEM, *Staat und Untertanen*, cit.

[42] *Ibid.*, p. 99.

[43] J. SVODOBA, *Feudální závislost poddaných*, cit., pp. 90-91.

[44] K. KROFTA, *Dějiny selského stavu*, cit., pp. 209-10)

[45] V. ČERNÝ, *Hospodářské instrukce*, Praha 1930 (Československá Akademie Zemědělská), p. 253 ; V. PROCHÁZKA, *Česká poddanská nemovistost v pozemkových knihách 16. a 17. Století*, Praha 1963 (Nakladatelství Československé Akademie Věd), p. 259.

[46] K. KROFTA, *Dějiny selského stavu*, cit., p. 211.

[47] V. PROCHÁZKA, *Česká poddanská*, cit., p. 260.

[48] V. ČERNÝ, *Hospodářské instrukce*, cit., p. 253.

that taverns on their estates were required to buy from the demesne[49]. Spirits and beer were not the only items of 'forced' consumption imposed on Bohemian rural people under the 'second serfdom'. Many Bohemian landlords also required their serfs to purchase salt, bread, or cheese from the demesne[50]. Of course, one can easily question how strictly those consumption restrictions were enforced, but evidence from the northern Bohemian estates of Liberec and Frýdlant shows that serfs who consumed beer from other providers were punished in the manorial court, village tavernkeepers who failed to comply with their obligatory manorial quota were also brought before the manorial court, and consequently a very large proportion of the revenues of the landlord actually came from the manorial brewery[51]. Even in cases where overlords failed to enforce such consumption regulations perfectly, the mere fact that serfs had to take them into consideration constrained their choices and created inefficiencies because of the actions they had to take to avoid detection and punishment.

Another consumption-related restriction that was widely imposed by Bohemian lords on their serfs was the use of mills. Bohemian serfs were often forced to use the mills of their landlords and were fined for using mills belonging to other landlords or leased by private millers[52]. Even using a mill that was different from the one to which one's village was 'tied' could cause a serf to be punished. For example, manorial instructions from the estates of Pardubice and Nelahozeves laid down punishments in the form of fines and imprisonment if serfs used any other mills than those designated by the landlord[53].

A more direct form in which Bohemian landlords interfered with their serfs' consumption choices was the so-called truck-system which was used in iron-works which were demesne operations on the estates of the monarch. Under that system, part of the serf worker's wage was paid in kind, usually food or grain, but sometimes even unsold iron goods[54]. This was a combination of manorial intervention in the labour market (since the workers were often serfs who were obliged to do this work even though they were 'paid' in this way) and manorial intervention in consumption and product markets (since the workers were in this way compelled to consume the goods produced on the manorial demesne instead of being able to decide for themselves what to purchase and which providers to purchase it from). All these forms of forced consumption were not merely regulations on paper, but were enforced sufficiently to be binding constraints on peasants, as is shown by their repeated appearance in the grievances of peasants during the great serf uprising of 1680[55].

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[49] K. KROFTA, *Dějiny selského stavu*, cit., p. 212.

[50] *Ibid.*, pp. 212-213.

[51] M. CERMAN, *Proto-industrialisierung*, cit., esp. Table 2.11; S. OGILVIE, *Communities and the "Second Serfdom"*, cit.; EADEM, *Staat und Untertanen*, cit.

[52] V. ČERNÝ, *Hospodářské instrukce*, cit., K. KROFTA, *Dějiny selského stavu*, cit., pp. 214-215, V. PROCHÁZKA, *Česká poddanská*, cit., p. 258.

[53] V. ČERNÝ, *Hospodářské instrukce*, cit., p. 257.

[54] E. MAUR, *Český komorní* cit. 6, pp. 119-120.

[55] *Prameny k nevolnickému*, cit., e.g. pp. 155, 157, 187, 344.

Land market, ownership of holdings

The institutions of the second serfdom had also a profound impact on the peasants' ownership of holdings and the land market. The Czech historiography contains many studies analysing the legal aspects of peasants' holdings and it is beyond the scope of this paper to present all intricacies[56]. For our discussion it is important to know that formally, land was owned by landlord, not peasants. Peasants retained the right to use land and enjoyed certain rights of its disposal, depending on local laws and customs. Land market was thus affected by landlord's actions. Recent micro studies of land transactions show that landlords very often interfered on land market. Ogilvie[57], analysing the estate of Frýdland in 1652-1682, found that serfs had to seek manorial permissions before buying and selling land and that they were not automatically granted. Indeed, only 26 per cent of land all transaction petitions were granted outright, 38 per cent were granted conditionally, 26 per cent were refused and 9 per cent deferred. There were several reasons for landlord's intervention into land market: involvement with another landlord which could threaten landlord's interest, continuity of cultivation, maintaining impartibility of serf holdings, or without clear cause. Velková[58], examining the estate of Šťáhlavy between 1650 and 1850, also found that landlords intervened in the land market to assert their economic interests. An extensive discussion of a case study from Starý Plzenec shows various forms of coercions used by the landlord including the expulsion of the farmer from the holding.

Forced labour ('robota')

Forced labour was part of the complex system of personal obligations which each serf in Bohemia owned to his landlord.[59] Those obligations included forced labour, money, and payments in kind. Payments in kind were a relatively stable component of Bohemian serfs' obligations across time[60]. Money payments included a complex set of obligations which varied substantially across Bohemian estates, but are generally not considered as the most pervasive feature of the 'second serfdom'. It was forced labour in the form of ***robota*** which the Czech historiography regards as probably the most oppressive form of Bohemian serfs' obligation to their landlords. Within that historiography, there is a broad consensus that the

[56] For detailed discussion, see e.g. K. KROFTA, *Dějiny selského stavu*, cit., V. PROCHÁZKA, *Česká poddanská*, cit.

[57] S. OGILVIE, *Communities and the "Second Serfdom"*, cit., pp.104-107; EADEM, *Staat und Untertanen*, cit.

[58] A. VELKOVÁ, *The Role of the Manor in Property Transfers of Serf Holdings in Bohemia in the Period of the 'Second Serfdom*, in "Social History", 37, 2012, 4, pp. 501-521.

[59] A detailed discussion of those obligations can be found in K. KROFTA, *Dějiny selského stavu*, cit. and A. MÍKA, *Poddaný lid*, cit..

[60] V. PROCHÁZKA, *Česká poddanská*, cit., pp. 269-271.

increase in the demand for force labour services from the rural population is one of the most distinctive features of the 'second serfdom'[61].

There were essentially two types of *robota* in Bohemia in the early modern period: *robota* with working animals (so-called *robota potažní*, perhaps best translated as 'draught services'), and *robota* without working animals (so-called *robota pěší*). Both types of *robota* saw a dramatic increase in the period after the Thirty Years War, when labour scarcity made cheap forced labour so valuable that it created very strong incentives for Bohemian landlords to incur the costs and resistance involved in using their institutional powers to increase forced labour demands on their serfs. Krofta[62] provides a rich array of examples from the Bohemian estates of Chlumec, Kostec, Vlašim, and Litoměřice which document the very significant increase in *robota* demanded of serfs on these estates in this period. He also discusses the great Bohemian serf uprisings of 1680 and the subsequent *robota* 'Patents' (state edicts) which attempted, with varying success, to solve the pressing problem of the lords' increase in *robota* on serfs in Bohemia. Černý[63] examines the estate of Chlumec and finds that it experienced an increase in *robota* by 5-6 days a year above what had previously been customary for the serfs on that estate. Janoušek[64] finds that on Bohemian estates where the peasants were in aggregate required to provide 1,000 days a year at the end of the sixteenth century, by the turn of the eighteenth century they were being obliged to supply between 30,000 and 40,000 days a year..[65]

Maur[66] investigates the increase in *robota* on the estates of the monarch (the so-called 'cameral estates') using an indirect measure, the declining share of wages paid for hired work in the net manorial revenues. He finds that the proportion of manorial revenues accounted for by labourers' wages declined in the seventeenth century by at least 6 per centage points on the estate of Pardubice, by 17 percentage points on the estate of Zbiroch, and by about 2.5 percentage points on the estate of Točník-Králův Dvůr.[67] Maur also documents cases in which landlords increased *robota* above the pre-Thirty Years War level and peasants were essentially required

[61] E.g. V. ČERNÝ, *Hospodářské instrukce*, cit., pp. 108-109, K. KROFTA, *Dějiny selského stavu*, cit., p. 226, V. PROCHÁZKA, *Česká poddanská*, cit., pp. 264-268, J. SVODOBA, *Feudální závislost poddaných*, cit, pp. 462-463, J. SVODOBA, *Feudální závislost poddaných*, cit., W.E. WRIGHT, *Neo-Serfdom in Bohemia*, cit., E. MAUR, *Český komorní*, cit., p. 53, E. MAUR, *Zemědělská výroba na pobělohorském komornín velkostatku v Čechách*, in "Prameny a Studie", 33, 1990, pp. 4-129, p. 45, E. JANOUŠEK, *Historický vývoj produktivity práce v zemědělství v období pobělohorském*, Praha 1967 (Ústav vědeckotechnických informací, Československé zemědělské museum), pp. 30-40.

[62] K. KROFTA, *Dějiny selského stavu*, cit., pp. 231-235.

[63] V. ČERNÝ, *Hospodářské instrukce*, cit., p. 109.

[64] E. JANOUŠEK, *Historický vývoj produktivity*, cit.

[65] This aggregate increase may be, of course, partly due to population increase, but the sheer volume of robota at the turn of the eighteenth century, which was 30-40 times as high as it had been before the Thirty Years War, shows that it cannot have been solely because of demographic change: *Ibid.*, p. 30.

[66] E. MAUR, *Český komorní*, cit., pp. 78-80.

[67] A caveat applies here: an additional contributory factor to this decrease may also have been a decline of agricultural and industrial activity on those estates after the Thirty Years War.

to carry out *robota* any time at the landlord's demand[68]. Svoboda (1969) provides further examples of increases in *robota* on the estates of Litomyšl, Jindřichův Hradec, Bezdružice, Haagensdorf, Chric, Kardasova Recice, Libešice, Třeboň, Vrchlabí, Rakovník, Binsdorf, Osek, Svetec, Kundratice, Smiřice, Strakonice, Strkovice, Bečov, Gerlachsheim, Kojetice, Ostrov, Lickov, Ratiborské Hory, Lovosice, Malin, Mradice, Mutěnín, Mostov, Nové Dvory, Včelnice, Starý Kynšperk, Březnice, Křemyž, Manětín, Vildstein, Zelec, and Žizelice.

The increase in *robota* under the Bohemian 'second serfdom' was a complex process. It involved not only a simple increase of the number of days of *robota* that had to be performed, but also a transition from seasonal and task-specific *robota* to permanent, year-long *robota*[69]. Bohemian landlords used a variety of different ways of increasing robota. First, there were increases in the *number* of tasks (for example on the estates of Litomyšl, Jindřichův Hradec, Bezdružice, Haagensdorf, Chric, Kardasova Recice, Libešice, Třeboň, Vrchlabí[70]). Second, there were changes in the *type* of task, often from less demanding to more strenuous (for example on the estates of Binsdorf, Osek, Světec[71]). Third, there were negotiations between landlords and serfs, in which the lord demanded additional forced labour services but offered some exchange in terms of future economic benefits such as more land, improved terms of land tenure, or permission to harvest wood from the forests which the landlord claimed as part of his demesne (for example on the estates of Ostrov, Lickov, Ratiborské Hory, Lovosice, Chric[72]). A fourth strategy was to increase *robota* through threats of physical punishment, a path that was followed, for example, on the estates of Binsdorf, Bečov, Gerlachsheim, Kojetice, Lovosice, Malin, Mradice, Mutenin, Nové Dvory, and Včelnice[73]. Finally, some lords used the strategy of substituting 'forced paid labour' (i.e. labour which serfs were compelled to carry out but were 'paid' a wage, albeit one dictated by the landlord) for robota, a path that was followed, for example, on the estates of Starý Kynšperk, Mostov, and Světec[74].

A similar situation has been documented on the 'cameral estates' (those directly owned by the monarch), where four different ways of increasing *robota* have been identified: increasing each individual serf's *robota* obligation; limiting the number of plots of lands that were wholly or partially freed from *robota* obligations; refusing to pay for peasants' work; and expanding the manorial demesne by acquiring empty holdings[75]. On the estate of Brandýs, for example, the previous *robota* obligation of three days per week was increased by an additional day, i.e. by 33%. On the estate of Poděbrady-Kolín, serfs with working animals had previously been compelled to

[68] E. MAUR, *Český komorní*, cit., p. 95, n. 19.

[69] J. KOČÍ, *Robotní povinnosti poddaných v českých zemích po třicetileté válce*, in "Československý časopic historický", 11, 1963, pp. 331-340, p. 337.

[70] J. SVODOBA, *Feudální závislost poddaných*, cit., pp. 76-77

[71] *Ibid.*, p. 77.

[72] *Ibid.*, pp. 80-1, J. KOČÍ, *Robotní povinnosti poddaných*, cit., p. 339

[73] See J. SVODOBA, *Feudální závislost poddaných*, cit., p. 80.

[74] See *Ibid.*, pp. 82-83.

[75] E. MAUR, *Český komorní*, cit., p. 110.

do *robota* of two days per week and serfs without working animals only had to do *robota* during the fishing season. This arrangement was changed to the following: serfs with the landholdings up to 15 *strych* (5 hectares) had to do *robota* once a week, those with landholdings between 15 and 30 *strych* (5-10 hectares) had to do *robota* two days a week, serfs with working animals and landholdings of 1 *lan* (which is approximately 17.3 hectars) had to do two days a week with working animals, and those with landholdings larger than 1 *lan* had to do three days a week[76].

An important source of evidence about the huge expansion in *robota* and the fact that it was a binding constraint on the rural population is provided by the many complaints made by Bohemian peasants during this period[77]. Further evidence is provided in the state Patents which sought to place a ceiling on *robota* for Bohemian serfs in 1680, 1717, and 1738, as well as the reforms of Maria Theresa which were an attempt to respond to the social unrest and serf revolts which the increase in robota (and other constraints of the Bohemian 'second serfdom') had been evoking since the second half of the seventeenth century.

It would be simplistic to claim that all Bohemian peasants experienced the same increase in their *robota* obligations after the Thirty Years War or that *robota* obligations were always uncompensated. *Robota* obligation differed among different groups of in the early modern Bohemian population. Three main distinctions can be made: differences between urban and rural areas; differences across social strata, e.g. between full peasants (*sedlak*), smallholders (*zahradnik*), and cottagers (*chalupnik*); and differences internally to social strata[78]. In general, urban areas did not suffer an increase of *robota* obligations as much as rural areas, although towns that were subject to noble overlords were seldom left wholly untouched by the increase in forced labour under the 'second serfdom'. Lower social strata such as those without land, or with very small holdings, tended to have lower *robota* obligations than higher social strata such as full peasants (*sedlak*). Even within social strata, wealthier peasants are observed contributing absolutely (though not usually proportionately) more than their less wealthy peers, though exceptions were not uncommon[79]. On some estates, certain members of the rural population were freed from *robota* altogether. For example, the cameral estates (those owned by the monarch) granted complete freedom from *robota* to the village headman (rychtař), millers, game-keepers, and people working on the demesne fishponds; tavernkeepers were forgiven one day of *robota*[80].

A more difficult issue is the *robota* required from skilled artisans. A number of studies suggest that skilled craft and industrial workers were often either freed from *robota* or bought themselves out of the obligation (via so-called 'reluice') with money they earned by working for the landlord[81]. Indeed, a general finding of the literature on the *robota* forced labour services in Bohemia during the 'second

[76] *Ibid.*, p. 105.

[77] See, for instance, *Prameny k nevolnickému*, cit., e.g. pp. 145, 147, 152, 156, 187, 313.

[78] J. KOČÍ, *Robotní povinnosti poddaných*, cit., pp. 337-338.

[79] J. SVODOBA, *Feudální závislost poddaných*, cit., p. 463.

[80] E. MAUR, *Český komorní*, cit., p. 108.

[81] J. KOČÍ, *Robotní povinnosti poddaných*, cit., p. 335.

serfdom' is that *robota* was rarely used for high-quality tasks conducted by skilled artisans. Rather, it was primarily unskilled manual tasks that were conducted with *robota*.[82]

Certain tasks that were carried out as part of *robota* obligations were compensated either in money or in kind. Maur[83] provides an example showing that threshing as part of *robota* obligations was compensated with one-sixteenth of the grain obtained through carrying out that threshing work, although only for the lower social strata of smallholders and cottagers. However, such compensation was generally not freely negotiated on the labour market between workers and the employer, but rather dictated by the landlord as employer, at a level which did not correspond to the market value of the worker's time; otherwise serfs would not have had to be compelled to carry out such work as *robota*. Despite the existence of some compensation for certain tasks and certain social strata in performing *robota*, the literature provides unequivocal evidence that, in general, rural people in Bohemia under the 'second serfdom' witnessed a non-trivial increase in labour which they were compelled to provide to their overlords and which they would not voluntarily have chosen to perform had it not been for this institutional compulsion.

IV. The economic inefficiency of the 'second serfdom' in Bohemia

While the Czech historiography provides an abundance of examples of the practical implementation of the 'second serfdom', it falls behind in providing a systematic examination of their effects on the performance of the Bohemian economy. This is not to say that the literature is silent on that matter. On the contrary, studies often include some discussion of the economic effects of the various practices of the 'second serfdom'. However, they focus most of their attention on *robota*, while the effects on economic performance of migration constraints, marriage constraints, constraints on the accumulation of human capital, limits on access to land and ownership of holding, and forced consumption are left aside. This section therefore focuses almost exclusively on the available evidence of the effect of forced labour services on various aspects of economic life in Bohemia, while the effects of the many other constraints imposed on Bohemian rural people under the 'second serfdom' are discussed in terms of their potential, suggesting an important agenda for future research.

[82] E. MAUR, *Český komorní*, cit., p. 121, K. NOVOTNÝ, *Klášterní manufaktura v Oseku v 18. Století*, in "Acta Universitatis Carolinae Philosophica et Historica", 3, 1969, pp. 5-83, 62, M MYŠKA, *Pre-Industrial Iron-Making in the Czech Lands: The Labour Force and Production Relations circa 1350-circa 1840*, in "Past and Present", 82, 1979, pp. 44-72, 59. Novotný case study of a Bohemian textile proto-industry in Osek, which provides a detailed examination of the production process and labour relations at the beginning of the eighteenth century. His findings show that the highly skilled artisans who were needed to perform high-quality tasks were paid wages and were not required to perform those tasks as *robota* obligations.

[83] E. MAUR, *Český komorní*, cit., pp. 110-111.

The economic inefficiency caused by robota

So far, the only investigations in the historiography of the effect of the Bohemian 'second serfdom' on economic performance are ones focusing on the effects of *robota* on the economic efficiency of the agricultural and industrial production taken place on the landlords' estates. The discussion above has already pointed out the difference in *robota* obligations between skilled and unskilled individuals. Indeed, many Czech historians have noted and commented on the fact that *robota* were not typically used for tasks which required skills or were oriented towards the production of high-quality[84].

The Czech historiography includes a number of studies which try to tackle the issue of the productivity effects of forced labour. Eduard Maur, in his extensive examination of the estates of the crown in Bohemia, discusses the views of contemporaries about the efficiency of *robota*, from which emerges a very clear conclusion: *robota* was widely regarded to be inefficient and many contemporaries suggested that in particular circumstances it should be replaced with hired labour[85]. During the Thirty Years War, labour scarcity, high wages, lack of demand in the economy, and decreasing prices created incentives for landlords to pursue the opposite strategy and to replace hired labour increasingly by *robota*. Maur discusses the consequences of that development for productivity as well as for the implementation of technological innovations on the Bohemian crown estates. Concerning productivity, he points out that increasing reliance on *robota* lowered production costs to such an extent that there was a lack of incentive on the part of Bohemian landlords to search for ways of intensifying agricultural production: higher production was achieved through extensive rather than intensive growth[86]. In similar manner, increases in the production of iron were achieved by investing in new ironworks rather than by making the existing production more efficient[87]. The manorial ironworks also serve as an example of the negative effect of *robota* on incentives to implement technological innovations as a way of increasing productivity. Maur documents technological stagnation in the production of iron, where high revenues were achieved mostly by replacing hired labour by *robota*; technological innovations were limited to very small technical improvements[88].

The problem of extracting high effort and a high quality of performance during *robota* obligations is an issue which frequently attracted the attention of scholars analyzing the 'second serfdom' in Bohemia. The Czech historiography provides an abundance of evidence documenting that Bohemian landlords were aware of the low quality of coerced labour and used it to replace hired labour only in the lowest-skilled, least quality-sensitive tasks[89]. In the well-documented case of ironmaking,

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84 See e.g. E. MAUR, *Český komorní*, cit., M. MYŠKA, *Pre-Industrial Iron-Making*, cit., A. KLÍMA, *Manufakturní*, cit.

85 See e.g. E. MAUR, *Český komorní*, cit., p. 39.

86 *Ibid.*, pp. 54-55.

87 *Ibid.*, p. 55.

88 *Ibid.*, pp. 46-47.

89 J. PETRÁŇ, *Poddaný lid*, cit., pp. 165-166; E. MAUR, *Český komorní*, cit., pp. 93, 121.

for example, the actual production and processing of iron, which required highly skilled and careful workers, was not part of the *robota* obligations of serfs on the estate; however, *robota* was often used in auxiliary operations such as transportation of raw materials[90]. Similar situation was in other industries such as brewery and milling.[91] A vivid example is provided by Klíma[92], who documents the case of Count Kinský who in 1778, due to a shortage of weavers, demanded that weavers be located from other manufactories. The response from the administration in Vienna was negative, arguing that it would violate the personal liberties of the weavers and that forced labour was in any case inefficient so it would not solve the Count's problems in any case. This example should not be taken as an example of a typical attitude toward serfs during the Bohemian second serfdom, but rather as the attitude of some of the state administrators under the 'enlightened' emperor Joseph II. However, this example clearly shows the way in which the 'second serfdom', with its extortion of so much labour in coerced form, created perverse incentives as far as the quality of labour allocation was concerned, since it was extremely difficult to ensure *skilled* and *productive* labour in a system of compulsion.

The Czech historiography also provides some discussion of two additional issues: the scarcity of labour, and the fees which serfs paid in order to avoid *robota* obligations. Starting a new enterprise or expanding an existing one under the Bohemian 'second serfdom' often faced lack of qualified labour, since *robota*, as we have seen above, was not suitable for this purpose because of the incentives it created for worker under-performance. Klíma[93] documents the difficulties faced during the start-up of a new textile manufacture in Nová Kdyňa in 1769, where one of the gravest problems was the shortage of skilled labour. To overcome it, a contract between a Viennese entrepreneur Jakub Matyas Schmidt and the local lords, Jan Filip and František Konrád Stadion, specified that the lords would allow serfs to be trained in wool spinning and weaving and that after the training, those serfs would be freed from *robota* obligations. The lords retained the rights of control over who would be trained, by requiring serfs to obtain permission to obtain such training as well as manorial permits to engage in subsequent work in the weaving industry or the wool trade. Another example of difficulties faced by entrepreneurs in Bohemia because of the perverse incentives created by the 'second serfdom' is the case of Jan Josef Lietenberger[94]. His attempts to expand a successful textile manufactory in Verneřice were halted by lack of skilled weavers. As a consequence, he first started a new textile manufactura in Prague where labour supply was not constrained by the privileges of landlords under the 'second serfdom'. Later, he solved the lack of skilled labour in his textile manufactory in Verneřice by inviting families to immigrate from Saxony; they remained 'freemen' and thus not subject to demands for *robota* or any other constraints under the Bohemian 'second serfdom'.

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[90] E. MAUR, *Český komorní*, cit., pp. 120-121; M. MYŠKA, *Pre-Industrial Iron-Making*, cit., pp. 59-61.

[91] E. MAUR, *Český komorní*, cit., p. 121.

[92] A. KLÍMA, *Manufakturní*, cit,, pp. 404-405.

[93] *Ibid.*, pp. 362-366.

[94] *Ibid.*, pp. 408-409.

Further examples of the lack of skilled labour offered by Klíma include the fact that most of the woollen products produced in Bohemia were of low quality due to the lack of skilled weavers; he also instances the numerous complaints and subsequent government interventions regarding the shortage of skilled labour in the economy[95]. Indeed, a lobbying group of entrepreneurs who were confronting not only rising wages but also the fact that the supply of weavers was limited by the institutional powers of Bohemian landlords under the 'second serfdom' complained to the government in Austria. In response, the government issued a decree on 29 February 1764 banning wage increases on pain of a fine of 100 ducats. This did not solve the labour supply problem but also ensured that the government could appear to please the entrepreneurs while not making any infringement on the institutional powers of landlords under the 'second serfdom', which would have been politically risky.

Another aspect of the 'second serfdom' in Bohemia was the practice by which serfs paid fees to avoid *robota* obligations. This practice was not a specific feature of the seventeenth- and eighteenth-century 'second serfdom', since substitution of cash payment for forced labour was known even before the Thirty Years War[96]. Superficially it might seem that a serf obtaining a release from forced labour by means of making cash payments should not be considered as a constraint of the 'second serfdom', let alone a source of economic inefficiency. Certainly, such cash payments brought the efficiency benefit that serfs released from *robota* were able to allocate their labour to more productive activities, increasing efficiency in the economy. However, the payment itself was a rent extracted by landlord, with all the inefficiency ramifications discussed above in Section I under the rubric of 'rent-seeking'.

Overall, the above discussion discusses evidence pointing to a variety of different sources of inefficiencies in the early modern Bohemian economy arising from the 'second serfdom'. To use the taxonomy introduced in Section II of this paper, *robota* under the Bohemian 'second serfdom' caused rent-seeking, misallocation of labour among sectors, misallocation of labour among firms, and technology-blocking. Landlords obtained economic 'rents' by demanding fees to be paid for allowing their serfs to work in manufaktura and by limiting the introduction of new technology. *Robota* obligations created incentives among workers such that work was performed inefficiently, leaving landlords and entrepreneurs to use it only for low-skilled jobs. As a consequence, *robota* obligations limited the supply of skilled labour, causing its misallocation among sectors by favouring low-valued-added agriculture at the expense of high-value-added industrial production – let alone the many other entrepreneurial activities the literature reveals that Bohemian serfs engaged in whenever they were not prevented from doing so by their overlords. Lack of supply of skilled labour made the starting up of new enterprises and the expansion of existing ones very costly. This in turn created disincentives for the expansion of non-agricultural production and the emergence of new, more productive industrial and service activities. The availability

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[95] *Ibid.*, pp. 384, 374-375.

[96] E.g. J. PETRÁŇ, *Poddaný lid*, cit.

of cheap labour from serfs prevented landlords from being motivated to seek productivity-enhancing innovations in agriculture since they had a large stock of 'free' (albeit poorly motivated and unskilled) labour. The consequence was to create a labour intensive agricultural sector syphoning off labour which could have been used in other, more productive activities and made a greater contribution to economic growth.

The effects of the remaining constraints of the second serfdom on economic performance – migration constrains, marriage constraints, constraints on the accumulation of human capital, land market and ownership of holding, and forced consumption – are unexplored in the Czech historiography. Nevertheless, we can at least identify their potential effects, providing thus testable hypothesis for future research. Migration constraints prevented free movement of labour force which could have caused its inefficient allocation across regions and economic sectors. In addition, manorial permissions to migrate created a scope for rent seeking behaviour of landlords. Marriage constraints might have also indirectly prevented efficient allocation of labour across regions and sectors by hindering efficient matching and created another possibility for rent seeking behaviour of landlords. Constraints on the accumulation of human capital caused that the human capital potential of labour force was not fully utilized which furthermore prevented its employment in the right economic sectors and regions. Indeed, as was discussed in the case of forced labour – *robota* – lack of skilled labour had a detrimental effect on the expansion of newly emerging industrial sector. It also, as in the previous case, created a scope for rent seeking. Forced consumption also very likely caused economic inefficiencies. Specifically, it allowed landlords to take advantage of oligopolistic practices on the market of consumption products, hence enabling, again, a rent seeking behaviour. Interference with land market transactions provided further scope for an extensive rent seeking, and very likely limited the optimal allocation of land between arable and pastoral sector as well as between agriculture and emerging industrial sector.

V. Conclusion

This paper has discussed the institutions of the second serfdom and assessed their effect on the efficient allocation of resources in Bohemia. It has shown how they affected optimal allocation of resources and which mechanisms of optimal allocation of resources were most likely affected by them. The reviewed literature clearly indicates that the institutions of the second serfdom caused economic inefficiencies due to the widespread rent-seeking behaviour of landlords, misallocation of resources across economic sectors, regions and firms, and technology blocking. The available evidence is unequivocal about the negative effects of forced labour – *robota* – which caused rent-seeking behaviour of landlords, lack of skilled labour, misallocation of labour across regions, economic sectors, and firms, and technology blocking which prevented the implementation of new technology in agriculture and emerging industrial sector. The Czech historiography thus provides very suggestive evidence of the negative impact of the

second serfdom on the economic life Bohemia. However, much more research is needed on these issues, especially on the effects of other constraints than forced labour imposed by the institutions of the second serfdom. After several decades of fruitful research and debates about the nature and functioning of the second serfdom in Bohemia, detailed quantitative and qualitative investigation of its impact on Bohemian economy should be our research agenda.

The reviewed evidence has also a wider implication for the potential causes of the economic divergence between the Western and Eastern Europe. Constraints on the free movement of labour, marriage constraints, and forced labour hindered structural change which is considered as one of the drivers of a successful transformation from an agrarian to industrialized economy. Constraints on human capital accumulation not only prevent an optimal utilization of the intellectual capacity of labour force, but have also a direct negative consequence on economic growth. Forced consumption certainly affected the choice of consumer goods, creating thus obstacles to consumer revolution. Last, but not least, rent-seeking behaviour flourishing under the institutions of the second serfdom syphoned out resources much needed for a successful industrialization of the Czech economy. All this is more than suggestive that the second serfdom was a reason why Bohemia lagged behind industrialized regions of Western Europe and that serfdom was likely a reason why the entire Eastern Europe lagged behind its Western counterpart.

On the topic, see also:

E. MAUR, *Poddaní točnického panství v druhé polovině 17. Století*, in "Sborník archivních prací", 14, 1964, 1, pp. 57-87.

IDEM, *Poddaní točnického panství v druhé polovině 17. století*, in "Sborník archivních prací", 15, 1965, 1, pp. 277-297.

Tracy Dennison

The Institutional Framework of Serfdom in Russia: the View from 1861

1. Introduction

The institutional structure of Russia between the early modern period and 1861 was largely constrained by, and perhaps determined by, its central institution of serfdom, which governed economic and social relationships throughout the countryside where the vast majority of the population lived. Russia's rulers had recognized long before Alexander II that this constraint put Russia at a significant disadvantage vis-à-vis its European competitors, and sought to abolish this institution. It is generally held that all tsars beginning with Catherine II had entertained thoughts of emancipation, but found themselves unable to override the opposition from their most powerful subjects, the noble landlords. Consequently they had had to limit themselves to small, marginal measures designed to mitigate the most egregious abuses of landlords, such as the selling of serfs without land and the grueling corvee labor regimes on demesne estates.[1] It was not until the mid-nineteenth century, when the Russian elite became acutely aware of the increasing degree to which western Europe was pulling ahead economically and militarily, that the crown found itself with the political power to implement large-scale social reform, including the abolition of serfdom.

But, ironically, those who held this power soon began to realize that their plans for emancipation were constrained by what Igor Khristoforov has referred to as 'infrastructure'.[2] The architects of reform originally intended to free serfs with land and provide compensation to noble landlords for their losses. Serfs would become peasant freeholders and citizens of the empire, with access to civil institutions. But this goal was easier stated than achieved. There was no imperial cadastre on the basis of which the reformers could have assigned new rights to property, and the distortions to factor markets created by serfdom made it impossible to assess credible or impartial land values in order to provide adequate compensation to nobles. The existing administrative framework could not possibly absorb the newly freed serfs. How would the localities be governed? What or who would perform the functions of the existing seigniorial and communal institutions? New institutions would have to be created. To make matters worse, a banking crisis and

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[1] D. Longley, *The Longman Companion to Imperial Russia 1689-1917*, Harlow 2000, pp. 118-122.

[2] I.A. Khristoforov, *Sud'ba Reformy: Russkoe Krest'ianstvo v Pravitesl'stvennoi Politike do i posle Otmeny Krepostnogo Prava (1830-1890-e gg.)*, Moscow 2011, esp. pp. 37-42.

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantecinquesima settimana di studi", 14-18 aprile 2013*

a European-wide financial downturn in the late 1850s meant the already cash-strapped Russian state had no resources to spend on rural reforms.[3] Emancipation would have to be done on the cheap.

How did the Russian crown find itself in this position? To answer this question requires understanding the institutional framework of serfdom from the mid-seventeenth century. In Russia, a weak state was forced to rely on powerful noble landlords and peasant communes for local administration (especially for the critical administrative functions of tax collection and conscription) – a reliance that had given these corporate groups significant leverage and had made it difficult, over the course of two centuries, to implement substantial land and tax reform. This paper sketches out the relationship among those interlocking institutions – the state, noble landlords, and communes – that characterized Russian serfdom, and examines the larger social and economic implications of this institutional configuration. It is suggested that the absence of formal rules to govern economic transactions (especially for the assignment and enforcement of property rights) enabled the powerful to prosper in Russia at the expense of the rest, and hindered economic growth and development over the long term. Furthermore, the existing institutional equilibrium had implications for the reforms undertaken in the 1860s. In the end, the Emancipation Act of 1861 was a weak compromise which left many of the worst institutional features of serfdom remained intact.

2. THE STATE

The growth of central states in western Europe in the seventeenth century enabled absolutist governments to override local corporate interest groups over increasingly large areas and appropriate greater tax revenues for their military ambitions.[4] Russia was in direct competition with many of these states, and shared their military ambitions, but faced even greater challenges than Richelieu, Louis XIV, Frederick II, or the Habsburgs in expanding the effectiveness of the central state. While the taxable population in Russia was large, taxes were notoriously difficult to collect in this vast frontier society. Attempts to intensify efforts in the regions nearest the center often resulted in peasant flight to the periphery, which was even more significantly under-administered.[5] The risk of peasant flight was so significant that nobles were reluctant to leave their estates even temporarily to fulfill their military obligations to the ruler. They insisted they would lose their labor force if they left for any length of time. In the 1640s a compromise was forged between the state and the landholding class, whereby the state would codify (and enforce) restrictions on peasant mobility, guaranteeing landholders control over a captive

[3] As discussed in S. HOCH, *The Banking Crisis, Peasant Reform, and Economic Development in Russia 1857-61* in "The American Historical Review" 96(3), 1991, pp. 795-820.

[4] N. STEENSGAARD, *The Seventeenth-Century Crisis*, in *The General Crisis of the Seventeenth Century*, G. PARKER, L. SMITH eds., London 1997².

[5] Discussed in R. HELLIE, *Enserfment and Military Change in Muscovy,* Chicago 1971, esp. pp. 123-140; J. HARTLEY, *Russia as a Fiscal-Military State, 1689-1825*, in *The Fiscal-Military State in Eighteenth-Century Europe: Essays in Honor of P. G. M. Dickson, ed.* C. STORRS, London 2009, p. 131.

labor force, in exchange for their promise to provide military service and to perform administrative functions in the localities.[6]

The *Ulozhenie* of 1649 is accorded great historical significance in the emergence of the social structure we observe for early modern Russia, though in fact it was only one point in a complex set of ongoing negotiations between the state and the noble landholders over several centuries. The state needed military servitors and administrative agents in the countryside; the nobility required the power of the state to enforce its authority over peasant laborers. Both groups had (before 1649) been in constant competition for rents from the peasantry, and continued to be, but neither was capable on its own of appropriating these rents effectively. The restrictions on peasant mobility set out in the 1649 decree increased the likelihood that nobles would fulfill their military obligations, but numerous compromises over military service, taxation, and local sovereignty were still to be negotiated in the two centuries between then and the reforms of 1861. There was never an entirely stable equilibrium in the uneasy standoff between crown and landholders.

The central state remained, throughout this period, dependent on noble landlords to oversee the collection of taxes and the selection of conscripts on their estates. This created an inherent conflict of interest, as it was not in landlords' interests to relinquish able-bodied workers[7] or cash rents[8] to the crown. State authorities tried to create the incentive to cooperate by holding the nobles responsible if demands were not met. In the case of the poll tax, a lump sum was levied on each estate in accordance with the number of resident male serfs (soul counts were carried out across the empire every 15-16 years from about 1718 to 1858), and nobles were held responsible for that sum regardless of whether they managed to extract it from their serf subjects.[9] Conscription was handled similarly: if the requisite number of recruits was not delivered, landlords were obligated to pay a cash fee equal to the cost of purchasing substitutes for their own serfs. Still, tales abound in the literature about landlords conspiring with their serfs to send the old, infirm, and otherwise unproductive members of the peasant commune to the army.[10] Nobles could not be too uncooperative, however, as they did rely on the state to protect the rents they sought from their serfs, mainly by enforcing mobility restrictions, but also, as we will see, by allowing landlords free rein with the

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[6] This process is outlined in J. BLUM, *Lord and Peasant in Russia from the Ninth to the Nineteenth Century,* Princeton 1961, pp. 247-276, and analyzed in detail by R. HELLIE, *Enserfment and Military Change,* cit.

[7] In the eighteenth century conscripts served for life; this was later reduced to 25 years and then to 15 in 1834. D. LONGLEY, *Imperial Russia,* cit., pp. 120-121.

[8] For much of this period the poll tax stood at just under one silver rouble per male soul. Annual quitrents ranged from 5 to 40 roubles per household per year. For a summary of the literature on quitrents, see D. MOON, *The Russian Peasantry, 1600-1930: the World the Peasants Made,* London 1999, pp. 74-76.

[9] It is not clear from the existing literature whether this rule was systematically enforced. The evidence from the Sheremetyev family archive indicates that poll tax collection was taken very seriously; serfs were threatened with fines and other punishments if they did not come up with the requisite sums by the dates specified.

[10] J. BLUM, *Lord and Peasant,* cit., pp. 167-168.

peasants on their lands. It was the serfs who were, by far, the biggest victims of this symbiotic relationship.

The unwillingness or, perhaps, inability of the Russian state to create a legal framework into which serfs were clearly integrated (or even one in which serfdom was clearly defined) exacerbated the poor condition of the Russian peasantry. The laws that applied to serfs amounted to a haphazard set of prohibitions. They could not hold immoveable property in their own names.[11] They were prohibited from engaging in certain economic transactions with free persons.[12] They could not leave their estates of origin without permission (and even then without carrying a special document, a *pachport*).[13] There was much that serfs were *not* allowed to do, but very little that they could; they had few formal legal rights. Most importantly, they had no access to civil institutions, including formal channels of dispute resolution and contract enforcement. Nobles, on the other hand, had many formal rights – or *privileges* – including access to civil institutions and exemptions from most taxes. Furthermore, there were few explicit restrictions on their power over their serfs. These features of imperial law had significant implications for the way 'serfdom' functioned at the estate level.

3. Noble Landlords

The vagueness of the law enabled noble landlords to assert great authority over their serfs. Not only did enserfed peasants lack recourse to formal legal channels against exploitative landlords (there was no institution corresponding to the Kings Courts in medieval England), they also lacked a contractual relationship, such as 'custom', by which rights and obligations vis-à-vis landlords were determined and generally understood.[14] This meant that landlords were free to impose taxes, fees, and labor obligations as they wished. (This was especially advantageous to Russia's largest landlord, the state itself, which raised quitrent demands from serfs on crown lands repeatedly over the eighteenth century.[15]) The 1649 decree made it nearly impossible for peasants to resist by absconding. Landlords could also force serfs to marry,[16] administer corporal punishment[17], buy and sell (controversially) serfs

[11] This restriction was only abolished on the eve of emancipation (1848).

[12] T. Dennison, *The Institutional Framework of Russian Serfdom,* Cambridge 2011, p. 192.

[13] On the enforcement of mobility restrictions, see D. Moon, *Peasant Migration, the Abolition of Serfdom, and the Internal Passport System in Russia c. 1800-1914,* in *Coerced and Free Migration: Global Perspectives,* ed. D. Eltis, Palo Alto 2002.

[14] 'Custom' here implies an enforceable agreement governing tenurial arrangements and feudal obligations – not a set of recognized social norms (though these could overlap).

[15] By the time of emancipation, nearly half of enserfed peasants lived on state lands – the so-called 'state peasants'. The rise in quitrent levels on these estates is noted in J. Hartley, *Russia as a Fiscal-Military State,* cit., pp. 131-132; D. Longley, *Imperial Russia,* cit., p. 119.

[16] P. Czap, *A Large Family: the Peasant's Greatest Wealth: Serf Households in Mishino, Russia 1814-1858,* in *Family Forms in Historic Europe,* R. Wall, J. Robin, P. Laslett eds., Cambridge 1983, pp. 105-151, 120-121.

[17] T. Dennison, *Institutional Framework,* cit., pp. 124-125; S. Hoch, *Serfdom and Social Control in Russia: Petrovskoe, a Village in Tambov,* Chicago 1986, pp. 160-186.

without land,[18] and exile uncooperative serfs to Siberia.[19] Serfs could even be – and very often were – used as collateral for mortgages.[20] They were not legally treated as people, but as the property of their noble landlords. It is no coincidence that Russian serfdom has often been explicitly compared with American slavery.[21]

So long as the crown's taxation and conscription demands were met, landlords were free to run their estates as they liked. In the words of one historian, Russian 'public law effectively stopped at the gates to the estate'[22]. The result was a remarkable heterogeneity in local practices of 'serfdom'. In this way Russia became a patchwork of local sovereignties not unlike the Holy Roman Empire, with many constituent territories and a variety of policy regimes. All Russian landlords demanded that serfs fulfill some set of obligations to them in either labor or cash rents. Most demanded, in addition, fees for permission to marry non-estate serfs, for permission to engage in migrant labor, and for approval of various economic transactions (land transfers, for instance). But beyond such broad similarities, there were vast differences – in the size of the fees and in the kinds of demands made. The wealthy Sheremetyev family levied taxes on all forms of economic activity (land transactions, hiring of labor, engaging in migrant labor, practicing a craft). They taxed undesirable demographic behavior (such as remaining unmarried or household division) and demanded fees for legal services (drawing up a contract, filing it, hearing a dispute). Fines were imposed for breaking any of the over 100 rules and regulations set out in the estate 'instructions'. Other landlords took very different approaches. In stark contract to the Sheremetyevs, the wealthy Gagarin family relied mainly on corporal punishment and physical coercion – rather than fees, fines, and taxes – to achieve compliance with their policies. If serfs failed to fulfill their labor obligations, they were flogged.[23] Those who failed to meet their tax obligations were sent to work as migrant laborers, with wages paid directly to the estate steward.[24] Young serf women who failed to marry before a certain age were threatened with exile to a textile mill in another town – and such threats were carried out if marriages were not promptly arranged.[25]

Furthermore, the absence of a formal legal framework resulted in different institutional arrangements across estates. At the more institutionally precocious end

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[18] Decrees condemning this practice were issued repeatedly: in 1721, 1771, 1801, 1808, and 1841. D. LONGLEY, *Imperial Russia*, cit., pp. 116-121.

[19] Permitted by imperial decrees issued in 1760 and 1765. In *ibid.*, p. 117. Some examples of this practice can be found in T. DENNISON, S. OGILVIE, *Serfdom and Social Capital in Bohemia and Russia* in "The Economic History Review", 60, 2007, 3, pp. 513-44, 534-40.

[20] Indeed the wealth of Russian nobles was measured in serfs ('taxable souls'). Gogol's novel *Dead Souls* is a parody of this practice.

[21] Most systematically by P. KOLCHIN, *Unfree Labor: American Slavery and Russian Serfdom*, Cambridge, MA / London 1987.

[22] R. BARTLETT, *Serfdom and State Power in Imperial Russia*, in "European History Quarterly", 33, 2003, pp. 29-64, 48.

[23] S. HOCH, *Serfdom and Social Control*, cit., pp. 172-175

[24] R. BOHAC, *Family, Property, and Socioeconomic Mobility: Russian Peasants on Manuilovskoe Estate, 1810-1861*, Unpublished Ph.D. thesis, University of Illinois at Champaign-Urbana, 1982, pp. 49-50.

[25] P. CZAP, *A Large Family*, cit., pp. 120-121.

of the spectrum, there were the above-mentioned Sheremetyevs, who provided their serfs with individual title to purchased property, contract enforcement services, and a form of extra-local dispute resolution. This system was administered from St Petersburg (their estates were scattered across 17 provinces). A large proportion of serfs made use of these services and lively land and credit markets (in which serf participation was formally prohibited) existed on the estate. Even more sought what they viewed as 'impartial' dispute resolution, with judgments handed down by paid officials in Petersburg, on the basis of petitions and written reports from chosen witnesses and representatives.[26] At other end of the spectrum, were those landlords who left the day-to-day management of their estates, including dispute resolution, to communal authorities.[27] One such example was the Countess Lieven, an absentee landowner from Kostroma Province, who let local serf authorities manage the everyday affairs of the proto-industrial estate she owned.[28] In between these extremes was a range of possibilities. The above-mentioned Gagarin family also owned many estates in different provinces and they hired outside officials to reside on and run them. These employees were charged with direct intervention in all local affairs; decisions related to disputes and other issues related to estate management were made by the local steward himself, in consultation with the landlord.[29]

But even on estates with quite developed administrative apparatuses, such as those of the Sheremetyev family, the peasant commune played a significant role in the implementation of state and landlord policy. Landlords relied on peasant officials to ensure that obligations were met. This meant that the relationship between landlords and serfs was, like that between the crown and the nobility, one of continual negotiation and re-negotiation. Landlords wielded more power, but they still needed the cooperation of the commune– or, more specifically, of communal *elites* – to guarantee their livelihoods and to meet the state's demands. The peasant commune played an especially prominent administrative role on crown estates, where the 'landlord' was often an absentee state official. It was communal authorities who were charged with managing the day-to-day affairs of the estate, and with ensuring that quitrents were paid and conscription levies were met. These responsibilities gave local serf elites considerable power.

4. Peasant Communes

The peasant commune was a formal corporate entity, which raised its own funds and assumed collective responsibility for a set of clearly defined obligations.

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[26] A detailed description is in T. DENNISON, *Contract Enforcement*, cit.

[27] As discussed below, this would have been especially true of so-called 'state peasants' (serfs of the crown), who are assumed to have enjoyed greater freedom than proprietary serfs, since they were not ruled by landlords, but by state officials who demanded annual rents and taxes from them and largely left them undisturbed.

[28] As on the estate described by E. MELTON, *The Magnate and Her Trading Peasants in Serf Russia: the Countess Lieven and the Baki estate, 1800-20*, in "Jahrbuecher fuer Geschichte Osteuropas", 1999, pp. 40-55.

[29] S. HOCH, *Serfdom and Social Control,* cit., pp. 91-132.

Like state taxes and recruitment levies, nearly all feudal burdens were levied collectively. Quitrents were, for instance, assigned as a lump sum for communal officials to allocate among households. Labor obligations and recruitment levies were assigned in the same way. Access to woodland and pasture was granted by the landlord to the commune as a whole; rights to these resources were assigned to households by communal officials. Communes were responsible for selecting members to fill posts ranging from reeve or steward to tax collectors and constables.[30] They were supposed to use their collective funds to pay these officials, and to provide relief to their poorer members.[31]

The most distinguishing characteristic of the Russian peasant commune was communal land tenure. In Russia, the arable land allocated to serfs for their own use (in contrast to demesne land) was given to the commune as a whole, rather than to individual households.[32] On quitrent estates, feudal dues were usually attached (and proportional) to this land, such that, in taking on an allotment, a serf household also accepted the obligation to pay a corresponding proportion of the total quitrent levy. In most cases, it was up to communal officials to allocate the land – and thus the tax burden – among member households. A serf's right to an allotment was therefore determined – but not guaranteed – by his (and sometimes her) membership in a commune. Allocation of communal land was one of the main sources of intra-communal conflict. On one serf estate, complaints included: being given land that was too far away to farm; being liable for quitrent payments but receiving no allotment; being given an allotment of poor quality; having an allotment arbitrarily confiscated and reallocated to someone else.[33] Because land was communally held, serfs' rights to dispose of their allotments were restricted: they were officially forbidden to use this land as loan collateral or to transfer it for payment.

Communal land tenure and 'collective responsibility' for feudal obligations had implications for every aspect of village life in serf Russia. Because obligations were levied on the community as a whole, households that could not afford to contribute had to be subsidized by their neighbors. This gave rise in many cases to forms of social control designed to ensure that households would not default on their quitrent payments.[34] Neighbors scrutinized one another's behavior carefully, and reported indications of deviance to authorities. Those deemed inadequate householders, including those who drank too much or engaged in other behavior detrimental to the household economy, were sent to the army or even exiled to Siberia. In one example from 1788, a commune on a Sheremetyev estate

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30 Wealthy landlords frequently hired outsiders as managers and to oversee the elected officials.

31 An overview can be found in D. MOON, *The Russian Peasantry*, cit., pp. 199-236. See also T. DENNISON, *Institutional Framework*, cit., pp. 100-102; 113-117.

32 This does not mean Russian peasants did not hold land privately in individual tenure – they did. But this was not estate land. The estate land allocated by lords for serfs' use was always held in communal tenure.

33 These examples are from the Sheremetyev estate of Voshchazhnikovo and are discussed in *Ibid.*, pp. 93-132.

34 Specific examples can be found in T. DENNISON, S. OGILVIE, *Serfdom and Social Capital in Bohemia and Russia*, cit., pp. 521-529.

'dispatched 71 men [to the army] for negligence in ploughing or for not paying taxes, as well as suspicious characters and landless peasants'.[35] Poorer serfs, especially unmarried women, who were viewed as less likely to meet their obligations, were often deprived of land, while larger shares were given to the more prosperous serfs, who could be relied on to pay the attached fees. Landlords were largely uninterested in the way obligations were shared out, so long as the work got done and the rents were paid.[36]

Collectively-levied obligations came with the power to enforce them – power usually vested by landlords in communal officials. Absentee landlords were especially likely to grant communal officials the authority to make decisions about their fellow serfs' requests to marry, to migrate, to hire laborers, to practice a craft, or to buy or sell land. Most landlords demanded communal approval for all such requests, since any of these could potentially affect a household's economic viability. The system of collective responsibility was convenient for the landlord, who could minimize administrative costs by forcing communal authorities to allocate, collect, and deliver cash rents, allocate and organize labor obligations, and monitor the activities of their neighbors. It was less convenient for ordinary members of the community who found their behavior closely scrutinized and their demographic and economic choices thwarted by fellow serfs, who were constantly trying to ensure that their own households would not be required to subsidize others. Unfortunately for those who were consistently denied access to communal resources – such as unmarried women, the socially deviant, and the more entrepreneurial peasants – voluntary withdrawal from the commune was impossible, except in those rare cases when prosperous serfs were granted permission to purchase membership in another corporate entity (such as an urban guild).

This incentivized coercion appears to have varied across estates. On the existing evidence it seems possible to hypothesize an inverse relationship between the strength of the commune and the strength of the landlord (broadly defined). Control over estate resources and responsibility for the distribution and collection of taxes gave Russian serf elites enormous powers – powers that were unconstrained by law or 'custom'. Where lordship was strong, as on the Sheremetyev family estates, this power was checked through extra-local dispute resolution services. The Sheremetyevs allowed serfs to bypass communal authorities and bring conflicts directly to officials in their St Petersburg headquarters. Documents generated from this process (over several decades) show a systematic willingness on the part of Sheremetyev agents to intervene in intra-

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[35] J. HARTLEY, *Russia as a Fiscal-Military State,* cit., p. 139. Other such examples can be found in V.A. ALEKSANDROV, *Sel'skaia obshchina v Rossii, XVII-nachalo XIX vv*, Moscow 1976, pp. 237-287; S. HOCH, *Serfdom and Social Control,* cit., p. 157; L.S. PROKOF'EVA, *Krest'ianskaia obshchina v Rossii vo vtoroi polovine XVIII-pervoi polovine XIX v,* Leningrad 1981, pp. 155-156.

[36] This was also the attitude taken by the state toward those obligations nobles were expected to fulfill (collecting the soul tax and providing recruits).

communal conflicts, forcing, for instance, the provision of poor relief or the immediate return of an expropriated allotment.[37]

Estates without Sheremetyev-style administrative systems left serfs to the mercy of their neighbors as well as their landlords. Communal officials were inclined to use their authority to allocate resources to themselves and their associates and to push rents and obligations onto others and away from themselves. On the Lieven estate mentioned earlier (Baki), the communal oligarchs were so powerful they managed to persuade the (absentee) countess to dismiss the estate manager and allow them to manage local affairs, despite protests from the other villagers who claimed that these oligarchs routinely abused their authority, using positions of power to benefit themselves, at the expense of their neighbors.[38] Communal elites could expropriate their neighbors of land, extract additional rents from them, deny them relief from communal funds, force them to pay bribes, and prohibit land transactions, and there was very little the victims could do, especially if village elites were able, as at Baki, to convince the landlord that this was in everyone's best interests.[39] Not only was there no legal recourse for exploited villagers, it was virtually impossible for serfs to opt out of communal membership.

Serf societies on crown lands, the so-called 'state peasantries', were probably governed much like the Baki estate – that is, by a communal oligarchy. It is often assumed (on no empirical grounds) that state peasants had significantly more freedom than proprietary serfs, since they were not subject to the whims of local landlords. They paid their quitrents to the state, along with their annual poll tax and conscription quotas, but, it is argued, they were otherwise left alone. (The fact that the same mobility restrictions, as well as the ambiguities in legal status, applied to them as to proprietary serfs is rarely noted.) But if 'left alone' meant left to the mercy of communal authorities, many members of the state peasantry may have preferred an interventionist landlord. By the mid-nineteenth century, the state possessed some 8 million serfs on holdings scattered throughout the empire. Central authorities relied on communal elites, just as they relied on nobles, to ensure taxation and conscription obligations were met and to supervise the day-to-day operations of estates. While we have fewer reliable sources for the inner workings of communes on state lands (the archives of noble landholders are much larger), there is indirect evidence of considerable intra-communal conflict.[40]

Evidence from proprietary estates supports the hypothesis that, if unchecked, communal elites were quite likely to abuse their powers and privileges. Even on the Sheremetyev estates, where the landlord was frequently willing to intervene against powerful serf elites, there was a continuous flow of petitions from middling and poorer serfs against communal officials for corrupt practices, including embezzlement, illegal confiscation of land, taking bribes, double taxation, and false

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[37] T. DENNISON, *Institutional Framework*, cit., p. 114-117.

[38] E. MELTON, *The Magnate and Her Trading Peasants*, cit.

[39] Additional examples of abuse of authority can be found in T. DENNISON, *Institutional Framework*, cit., pp. 100-127.

[40] See, for instance, D. MOON, *The Russian Peasantry*, cit., p. 219.

imprisonment.[41] The landlord did not always take the side of petitioners, but he did so frequently enough that it was worth trying. State peasants had far fewer options for extra-local dispute resolution. There was a period when serfs could petition the crown to complain about abuses, but there is little evidence to suggest that such complaints were taken seriously. Furthermore, the crown put an end to this practice in the late eighteenth century.[42] From this point on, state peasants were indeed 'left alone'.

5. IMPLICATIONS: ECONOMIC, SOCIAL, POLITICAL

What were the effects of this institutional configuration on Russian rural society? Several detailed micro-level studies have cast light on effects at the local level, showing the ways in which the overlapping aims of state, landlords, and local elites enabled these groups to shape the economic and demographic behavior of serfs on particular estates.[43] Instead of summarizing these findings, this section will outline some of the broader implications for the serf economy, for society, and, finally, for the politics of reform.

In their economic lives, serfs faced institutional obstacles at all three levels: an ambiguous legal status (state level), the unchecked power of landlords (estate level), and communal land tenure (commune level). As already noted, serfs were viewed as property rather than as 'legal persons'. There was no larger body of law into which they were integrated, and by which property rights were assigned and enforced and legal recourse provided in the case of disputes. Some historians have argued that this was not really a constraint on economic decisions, because our sources indicate that serfs engaged in market transactions all the time.[44] It is true that many serfs bought and sold land, borrowed and lent money, and even built rural manufactories. But because there was no formal legal framework governing these undertakings, they took place, by definition, in the informal sector – the so-called 'black market'. This made entrepreneurial activity especially risky. Serfs could purchase land in the names of their landlords, for instance, but they had no recourse should their landlords later decide to confiscate this land. (Serfs were not legally permitted to own land in their own names before 1848.) They could engage in credit transactions but they had no legal recourse should a borrower fail to repay or relinquish collateral. They could establish rural manufactories, but they had little recourse against the confiscation of their capital. Their ambiguous legal status meant serfs were often forced to pay bribes for access to goods and services they

[41] This discussion is based on evidence presented in T. DENNISON, *Institutional Framework*, cit. The documents mentioned are petitions to the administrative officials in the first half of the nineteenth century; they are located in the ROSSIIKII GOSUDASTVENNY ARKHIV DREVNIKH AKTOV (RGADA), *Shermetyev family*, f. 1287, op. 2, 3, 4.

[42] D. LONGLEY, *Imperial Russia*, cit., p. 119.

[43] R. BOHAC, *Family, Property, and Socioeconomic Mobility*, cit.; T. DENNISON, *Institutional Framework*, cit.; S. HOCH, *Serfdom and Social Control*, cit.; E. MELTON, *The Magnate and Her Trading Peasants*, cit.

[44] Some have even argued that serfdom spurred economic development in imperial Russia. See E. MELTON, *Protoindustrialization, Serf Agriculture, and Agrarian Social Structure: Two Estates in Nineteenth-Century Russia*, in "Past and Present" 115, 1987, pp. 73-87.

could not obtain through formal channels. Officials at the estate, provincial, and state levels could – and often did – enrich themselves by taking advantage of serfs' legal vulnerability. And the risk associated with buying and selling and borrowing and lending in a shadow economy meant that poorer serfs had far fewer options available to them. Poor serfs could not borrow – it was risky enough to lend informally to a richer serf. Poorer serfs often lacked the collateral required (even by fellow serfs) to obtain a loan. And they were less likely to undertake risky transactions themselves as they could not afford to be expropriated or to pay bribes in order to avoid punishment.

To make matters worse, the law offered few checks on landlords' power over their serfs, providing ample scope for abuse. Russian serfs could be sold, expropriated, physically abused, forced to marry or migrate, and subjected to new and more onerous obligations.[45] But there was little serfs could do to protest, as they had no formal access to legal recourse beyond their landlords. Even on estates like those of the Sheremetyev family, where there was a quasi-formal rule of law (the Sheremetyevs were quite conscientious about enforcing contracts and upholding property rights), recourse did not extend beyond the holdings of the particular landlord. This not only meant that serfs could not stop the Sheremetyevs themselves from interfering in their economic affairs, but also that they could only engage in transactions that were enforceable through the Sheremetyevs' administrative framework. These constraints become especially apparent in credit transactions, where Sheremetyev serfs borrowed extensively from outsiders and free persons (who could rely on the Sheremetyevs to force their serfs to repay) but lent only to other Sheremetyev serfs (since the Sheremetyev family had no authority over other lords' serfs or free persons). That many of these serfs made extensive use of the landlords' own enforcement services, and bought and sold land regularly in the lord's name, suggests that they thought the risk of expropriation was low. But there was still a risk. And again, serfs on estates without the kinds of services offered by the Sheremetyevs would have found such land and credit transactions even riskier. The inherent uncertainty and the enormous scope for confiscation of surpluses must have had considerable implications for the Russian rural economy.

The system of collective responsibility, and especially communal land tenure, undermined the economic activity of serfs. Serfs' land allotments were not their own. They could not sublet or sell their lands (in case they chose to earn a living in a craft or trade instead of agriculture) nor could they use them for collateral in credit transactions. They had no incentive to invest in them, since communal authorities had the right to redistribute communal land and quitrent burdens as they saw fit. Again, the poorer members of the society were hardest hit, as they depended on communal resources for their livelihoods. At the same time the system of collective responsibility for quitrent jeopardized their access to these resources, with communal land frequently allocated away from the poor members of the society in favor of those who were in a better position to pay taxes and dues. And mobility restrictions – enforced by communes, landlords, and the state – made it impossible to improve one's situation by leaving the community.

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[45] Numerous examples can be found in J. BLUM, *Lord and Peasant,* cit., pp. 414-441

This institutional framework also influenced social relations in rural Russia. Because serfs were denied formal channels for pursuing their economic interests, they were forced to develop other strategies. In addition to bribery (which was widespread), serfs appear to have invested heavily in 'social capital' and 'social networks,' or what is often referred to as *blat'* in modern Russian. In other words, they built personal relationships with people they thought could help them. The communal elite built relationships with the landlord and his or her representatives in order to obtain benefits for themselves and their associates. Less powerful members of the commune cultivated elite members for the same reasons.[46] Sometimes serfs built relationships through marriages – whether their own or those of their children. Some prosperous Sheremetyev serfs, for instance, married their daughters to members of urban classes.[47] The exploitative nature of serfdom was pervasive. A good example comes from the Sheremetyev estate of Voshchazhnikovo, where serfs who prospered and eventually managed to purchase their freedom would return to their villages later, as merchants with monopoly privileges, to harass their former neighbors for failing to purchase licenses to engage in trade.[48] In an informal economy, characterized by special privileges, exemptions, and legal ambiguities, the incentives to engage in rent-seeking were strong – even (or perhaps especially) when it involved those one knew well.

Finally, this inescapable institutional configuration of interlocking dependencies, brought into being by the continual evolution of the balance of forces among crown, nobility, and peasants over the two centuries since 1649, was ultimately impossible to break out of by the simple act of will that the imperial government finally mustered in the mid-nineteenth century. The same balance of power among these groups that had gone into the creation of the system ensured that what emerged from the negotiations over the terms of the Emancipation Act would serve many of the same interests and perpetuate many of the worst features of the pre-1861 system. The crown's chronic shortage of revenue instilled extremely short time horizons in the administrative apparatus, leaving it unable to invest in measures that could have increased revenues in the medium term, and given it the resources to establish the kinds of western European institutions that generations of tsar 'reformers' desired: a professional civil service, a class of peasant smallholders, a revolutionized military. But state authorities were unable to raise revenues beyond what they urgently needed, and one reason for that may have been that the system of special favors and interlocking dependencies they had created stifled economic activity or kept much of it in the informal sector. Without clearly defined property rights and access to a formal system of dispute resolution, even the most entrepreneurial peasants would have been reluctant to undertake the kinds of major investments – in agricultural innovation, rural industry, or trade – that enabled societies like England and the Netherlands to prosper. Thus the

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[46] Such examples are discussed in detail in T. DENNISON, S. OGILVIE, *Serfdom and Social Capital,* cit., esp. pp. 541-542.

[47] T. DENNISON, *Institutional Framework,* cit., p. 225

[48] RGADA, f. 1287, op. 3, [ed khr]; see also A. RIEBER, *Merchants and Entrepreneurs in Imperial Russia,* Chapel Hill NC 1991, pp. 49-52.

economic activities of serfs, no matter how entrepreneurial, do not appear to have translated into greater wealth for the society. Nor did noble landlords have any incentive to innovate or engage in entrepreneurial endeavors, as they could rely on rents from their serf subjects.

6. CONCLUSION: A MISSED OPPORTUNITY

The architects of the 1861 reform realized that the landholders' cooperation in the emancipation project would come at a price. They anticipated having to compensate landlords for the loss of land (they had planned to free serfs with land) and labor. They did not realize until too late that the costs of the reform they wanted to undertake were much greater. A new legal code was required, incorporating the newly freed peasantry and assigning secure property rights to them. A cadastre would have to be carried out, to enable the assignment and enforcement of these rights. A reformed court system would be needed, to ensure the new smallholders had access to justice. And a vast expansion of local administration would be necessary in order for state officials to perform those duties previously entrusted to landlords and peasant communes. None of this occurred.

Instead, in the face of these formidable constraints, and under certain ideological pressures[49], those drafting the emancipation legislation created a framework that left many of the worst features of serfdom in place. Peasants remained a separate socio-legal category (*soslovie*), with separate legal rights and obligations. A separate system of civil courts was created to serve peasants, and judicial rulings were to be made in accordance with an unwritten 'customary law' – a vague and ill-defined concept, easily manipulated by both those who used the courts and those who ran them.[50] Serfs were freed with land, but landlords were given the right to decide *which* land (and how much) they would surrender to former serfs. To add insult to injury, the serfs were made responsible for compensation to landlords for loss of labor, with 'redemption payments', calculated on the basis of quitrent obligations, to be made annually for 49 years. In order to minimize the costs of local administration, the commune was given the powers previously assigned to landlords. Redemption payments were levied collectively, and communal officials were responsible for allocating them among and collecting them from member households. The land granted to former serfs was to be held in communal tenure. Mobility restrictions for peasants remained in place, and were to be enforced by communal officials. Former serfs could neither refuse land nor withdraw from the commune. (They could withdraw later, but only if their portions of the redemption fees had been paid and communal officials were willing to let them leave.) Thus peasant oligarchs emerged even more powerful than they had been under serfdom.

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[49] A detailed and compelling account of these is given in I.A. KHRISTOFOROV, *Sud'ba Reformy,* cit.

[50] For an illuminating discussion of the confusion resulting from this part of the reform, see C. GAUDIN, *Ruling Peasants: Village and State in Late Imperial Russia,* DeKalb IL 2007.

This outcome was optimal in the eyes of certain key players. Landlords were compensated for their losses. Mobility restrictions continued to guarantee them a local labor force and, in many rural districts, monopsony power. The compromise also satisfied elite ideologues of varying stripes, including Slavophiles and Populists, who viewed the commune as an ancient Slavic institution of peasant self-governance. They saw communes, with their collectivist practices and communal land tenure, as inherently egalitarian, and thought they would serve as a bulwark against the forces of western capitalism. Finally, state authorities were reassured. They saw communal land tenure and mobility restrictions as necessary precautions during a time of increased urbanization and marketization. They worried that, without these safety mechanisms, peasants would abandon their land and move to cities, where, increasingly proletarianized, they might pose a threat to central authority. The only group that did not gain in the reform process was the formerly enserfed peasantry – the vast majority who did not belong to the communal elite. But their views on reform had not been sought and would in any case have gone unheeded.[51]

In all these ways, the Emancipation Act of 1861 was a missed opportunity. Instead of implementing real reform, the architects preserved the same balance of forces in the countryside, guaranteeing that another set of reforms would be soon required. Indeed in 1906 the crown began the reform process all over again, with the so-called 'Stolypin' land reforms, which, it was hoped, would finally undermine centuries of communal land tenure and collective responsibility (created by the state!) in rural Russia. By that time, as we know, it was too late. But where between 1649 and 1905 could the circle have been broken? It does not appear that any of the major players, least of all the crown itself, ever had the power to break out of an institutional system that was partly of their creation but never within their control.

[51] See I.A. KHRISTOFOROV, *Sud'ba Reformy,* cit.

Lunedì 15 aprile, ore 15

Prato, Aula Magna del Polo Universitario

Le condizioni della scomparsa, rinascita o sopravvivenza del servaggio

The conditions of disappearance, survival or revival of serfdom

Relazioni e comunicazioni

Presidente della seduta / Chairman: Erik Aerts

Francesco Panero

Il nuovo servaggio dei secoli XII-XIV in Italia: ricerche socio-economiche sul mondo contadino e comparazioni con alcune regioni dell'Europa mediterranea

1. Dalla servitù altomedievale al servaggio bassomedievale

Il "servaggio" bassomedievale è imparentato, per così dire, con la "servitù" di origine altomedievale perché in entrambi i casi i rapporti di dipendenza sono di natura ereditaria. È allo stesso tempo diverso dalla "servitù" altomedievale in quanto le relazioni di servaggio, a partire dalla prima metà del secolo XII, si creano per la maggior parte attraverso patti fra contadini liberi e proprietari terrieri o signori – e qualche volta attraverso l'imposizione signorile di oneri e vincoli di natura ereditaria, o interpretati come tali, a contadini non integrati nelle comunità rurali –, mentre lo *status* del servo altomedievale discendeva per lo più da una condizione di dipendenza "perpetua" che aveva origini remote (di cui spesso non resta memoria dell'inizio del rapporto di subordinazione), ma comunque collegabili alla compravendita di schiavi, alla prigionia di guerra, alla nascita da matrimoni misti o da genitori di condizione servile e in qualche caso anche all'autodedizione in stato di dipendenza non-libera[1].

Va da sé che una volta creato il legame di servaggio – che, ripetiamolo, era ereditario, quindi fondato su basi giuridiche, anche se dettato da motivazioni economiche e da relazioni sociali[2] –, i discendenti dell'ascrittizio, del manente, del villano, del *colonus*, dell'*homo alterius*, dell'*homo de corpore*, dell'*homo de mansata*, degli *homines proprii*, *solidi* o *de maxinata* (così, a seconda delle regioni, sono per lo più denominati nei secoli XII-XIV i dipendenti in condizione di servaggio) erano vincolati da un rapporto di subordinazione perpetua. Per contro, il passaggio dalla condizione di "dipendenza ereditaria" a quella di "dipendenza libera", tipica dei rustici, dei massari, dei *libellarii*/livellari, dei mezzadri, dei salariati, degli *homines* (senza altra qualifica), poteva avvenire soltanto attraverso un atto di manumissione, oppure con la fuga o la mistificazione da parte del dipendente di condizione servile.

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[1] *Les formes de la servitude: esclavages et servages de la fin del'Antiquité au monde moderne (Actes de la table ronde de Paris-Nanterre, 12 et 13 décembre 1997)* e *La servitude dans les Pays de la Méditerranée occidentale chrétienne au XIIe siècle et au-delà: declinante ou renouvelée? (Actes de la table ronde de Rome, 8 et 9 octobre 1999)*, in "Melanges de l'École Française de Rome-Moyen Âge", 112, 2000, 2, pp. 493 ss., 633 ss.; F. PANERO, *Schiavi, servi e villani nell'Italia medievale*, Torino 2000[2].

[2] Analoghe considerazioni vengono fatte per il secolo IX, a proposito delle trasformazioni della schiavitù tardoantica e della definizione del servaggio altomedievale, da N. CARRIER, *Les usages de la servitude. Seigneurs et paysans dans le royaume de Bourgogne (VIe-XVe siècle)*, Paris 2012, p. 96.

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantecinquesima settimana di studi", 14-18 aprile 2013*
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Al fine di evitare confusioni con le forme di libera dipendenza, è opportuno ancora distinguere tra le interpretazioni storiografiche del servaggio – che non dovrebbero mai prescindere dall'insieme delle componenti giuridica, economica e sociale dello *status* – quelle categorie interpretative di natura antropologica, alle quali spesso gli storici ricorrono per rappresentare le condizioni di vita dei lavoratori, ma che senza l'accertamento dello stato giuridico dei dipendenti[3] rischiano di indurre a prospettive erronee quando, dimenticando la differenza fondamentale tra la subordinazione ereditaria e quella temporanea, si insiste esclusivamente sulle opere o *corvées* obbligatorie dei contadini, sui servizi prestati, sulle *malae consuetudines*, sulla indisponibilità dei mezzi di produzione o delle sementi, sull'assenza di terre allodiali, sulla violenza dei signori ecc. Questi ultimi caratteri della subordinazione rurale si conciliano in verità sia con lo *status* di dipendenza libera sia con quello di servaggio: ciò che fa la differenza tra le due condizioni è il fatto che mentre il libero dipendente in linea di principio poteva sottrarsi a legami eccessivamente onerosi, o improntati alla violenza, grazie al sostegno della comunità rurale in cui viveva (magari restituendo le terre in concessione a tempo indeterminato al proprietario ed emigrando), il dipendente ereditario non poteva *de iure* farlo senza il consenso del signore, il quale in caso contrario poteva inseguirlo, catturarlo, rivendicarlo in tribunale, entro un certo periodo di tempo, come si evince non solo dalla riflessione giuridica postirneriana, che fra XII e XIII secolo definì i caratteri del nuovo servaggio, ma anche dagli stessi atti processuali, dai patti fra signori territoriali e locali e dagli statuti e consuetudini comunali[4].

D'altro canto, mentre i riti di autodedizione in servitù attengono al tempo stesso alla sfera antropologica e a quella giuridico-sociale[5], così le forme di dipendenza giuridica ereditaria della servitù altomedievale e quelle del servaggio dei secoli XII-XIV, riconoscono la dignità umana al subordinato, condizione che invece, come è ben noto, era negata allo schiavo – *servus slavus* o *sclavus*, *servus sardus*, *esclave*, *esclavo*, *slave* ecc. –, che in quegli stessi secoli era oggetto di compravendita fra paesi del Mediterraneo, Europa orientale e Africa settentrionale ed era considerato

[3] F. PANERO, *L'accertamento della dipendenza servile medievale: fonti giuridiche e dibattito storiografico*, in *Filologia e linguistica. Studi in onore di Anna Cornagliotti*, a c. di L. BELLONE, G. CURA CURÀ, M. CURSIETTI, M. MILANI, Alessandria 2012, pp. 493-507.

[4] E. CONTE, *Servi medievali. Dinamiche del diritto comune*, Roma 1996, pp. 5 ss., 18 ss., 117 ss.; G. NICOLAJ, *Formulari e nuovo formalismo nei processi del Regnum Italiae*, in *La giustizia nell'alto medioevo (secoli IX-XI), Atti della XLIV Settimana del CISAM*, Spoleto 1997, pp. 347-379; CH. WICKHAM, *Legge, pratiche e conflitti: tribunali e risoluzione delle dispute nella Toscana del XII secolo*, Roma 2000, pp. 155 ss., 231 ss., 352 ss. Per le consuetudini scritte e gli statuti comunali che fanno riferimento alla condizione del nuovo servaggio basti un rinvio a *I Costituti delle legge e dell'uso di Pisa (sec. XII)*, a c. di P. VIGNOLI, Roma 2003, p. 284 s., rubr. XLI (=XLII), nota d; *Statuti del popolo di Bologna del secolo XIII. Gli ordinamenti sacrati e sacratissimi*, a c. di A. GAUDENZI, Bologna 1888, p. 53 s.; *Statuti di Bologna dell'anno 1288*, a c. di G. FASOLI, P. SELLA, Città del Vaticano 1937, I, p. 302 ss., rubr. 11; *Il Constituto del comune di Siena dell'anno 1262*, a c. di L. ZDEKAUER, Milano 1897, p. 419 ss., IV, rubr. 53, 58, 61, 63, 65

[5] D. BARTHELEMY, *Le servage et ses rites*, in *La mutation de l'An Mil a-t-elle eu lieu? Servage et chevalerie dans la France des Xe et XIe siècles*, Paris 1997, pp. 101-131.

alla stregua di una merce o di un animale da lavoro, come gli schiavi di tratta antichi e altomedievali[6].

Sono ancora necessarie due considerazioni preliminari. Dall'inizio del secolo XI in poi il numero dei servi rurali in Italia è documentato in progressiva diminuzione rispetto al gruppo – in crescita – dei massari liberi e dei livellari attestati attraverso i patti agrari e i consegnamenti sia dell'Italia centro-settentrionale sia delle regioni meridionali della penisola[7]. La servitù di origine altomedievale resiste soprattutto in alcune medie proprietà fondiarie[8], ma non scompare del tutto nemmeno sulle terre soggette alle signorie di banno, che tendenzialmente cercavano di livellare i dipendenti rurali: una delle questioni più dibattute dai medievisti europei è se tale livellamento avvenisse nella direzione della "libera dipendenza" oppure verso il "servaggio ereditario".

Alcuni anni or sono Elisabeth Magnou-Nortier, riferendosi agli storici che pensavano a un livellamento dei dipendenti della signoria di banno verso un comune stato di servaggio, affermava che essi non erano più in grado di collocare la barriera, in realtà sempre esistente fra alto e basso medioevo, tra libertà e servitù, poiché ignoravano di fatto la documentazione scritta, che tanto nel IX quanto nel XIV secolo consente di distinguere i *servi* dagli altri dipendenti della signoria[9].

Diciamo subito che recentemente Michel Parisse, grazie allo spoglio sistematico di circa cinquemila atti scritti relativi alla Francia dall'alto medioevo al 1120, ha osservato che sul piano terminologico e su quello dei contenuti il non-libero di età

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[6] A. STELLA, *"Herrado en el rostro con una S y un clavo": l'homme-animal dans l'Espagne des XVe-XVIIIe siècles*, in *Figures de l'esclave au Moyen-Age et dans le monde moderne*, a c. di H. BRESC, Paris 1996, pp. 147-163; CH. VERLINDEN, *L'esclavage dans l'Europe médiévale*, I, *Péninsule ibérique, France*, Brugge 1955; II, *Italie, Colonies italienne du Levant, Levant latin, Empire byzantin*, Gent 1977. Sulle differenze tra schiavo tardoantico e servo carolingio e postcarolingio sono sempre stimolanti le osservazioni di M. BLOCH, *Comment et pourquoi finit l'esclavage antique*, in "Annales ESC", 1947. Cfr. anche la sintesi di L. FELLER, *Paysans et seigneurs au Moyen Âge (VIIIe-XVe siècles)*, Paris 2007, pp. 40-56, il quale però, in linea con la maggior parte degli storici francesi, considera ancora come "schiavi" anche i servi casati dell'età carolingia, nonostante gli indubbi miglioramenti registrati dalla condizione servile sul piano economico-sociale e giuridico nell'ambito del sistema curtense del secolo IX.

[7] P. CORRAO, *Il servo*, in *Condizione umana e ruoli sociali nel Mezzogiorno normanno-svevo*, a c. di G. MUSCA, Bari 1991, pp. 61-78; V. D'ALESSANDRO, *Servi e liberi*, in *Uomo e ambiente nel Mezzogiorno normanno-svevo*, a c. di G. MUSCA, Bari 1989, pp. 293-317; F. PANERO, *Schiavi, servi e* homines alterius *nelle città e nelle campagne dell'Italia centro-settentrionale (secoli IX-XII)*, in *Città e campagna nei secoli altomedievali*, Atti della LVI Settimana del CISAM, Spoleto 2009, pp. 897-970

[8] Piuttosto noto, nell'Italia settentrionale, è il caso dei servi di Cannero e Oggiogno, dipendenti dai canonici di Novara e "sopravvissuti" fino all'inizio del Duecento come gruppo servile compatto avendo acquisito diritti economici e giuridici (per esempio, quelli di testimoniare in tribunale e sposare donne e uomini liberi) assimilabili a quelli dei contadini liberi ed essendo tutelati dal capitolo canonicale, poiché nella zona la Chiesa novarese non possedeva diritti territoriali di banno e poteva esercitare la propria giurisdizione solo sulla *familia* servile. Di fronte alla concorreza dei signori locali di banno, nel 1211 i servi delle due località del Verbano (quarantotto nuclei familiari) furono manumessi e contestualmente furono loro vendute dal capitolo le terre in concessione: G. ANDENNA, *Dal regime curtense al regime signorile e feudale*, in *La signoria rurale nel medioevo italiano*, a c. di A. SPICCIANI, C. VIOLANTE, Pisa 1988, p. 232 ss.; F. PANERO, *Servi e rustici Ricerche per una storia della servitù, del servaggio e della libera dipendenza rurale nell'Italia medievale*, Vercelli 1990, p. 147 ss.

[9] E. MAGNOU-NORTIER, *"Servus-servitium": une enquête à poursuivre*, in *Media in Francia ... Récueil de mélanges offert à K.F. Werner*, Paris 1989, p. 269 ss.

carolingia intorno all'anno Mille diventa "un *serf*, del quale si rilevano gli oneri di natura giuridica, successivamente un *paysan*, il quale è un dipendente soggetto a oneri di natura economica": senza negare la persistenza di alcune forme di dipendenza servile, come abbiamo detto, sarebbe dunque fuorviante l'idea di una massa di servi sottoposti alla signoria di banno nei secoli XI-XII[10]. Come vedremo, è proprio dalla definizione del servaggio bassomedievale, che può giungere una risposta al quesito centrale del dibattito, ma a conclusioni che portano nella medesima direzione serve anche una riflessione che in altra sede è stato possibile fare sulla condizione dei "colliberti", di cui mi limito qui a riassumere i tratti essenziali.

Considerando che fra XI e XII secolo il processo di trasformazione e scomparsa della servitù di origine carolingia era ormai molto avanzato, va osservato che devono sempre essere precisati modalità e limiti di questo sviluppo storico riguardo a ogni regione, distinguendo per lo meno nella penisola un'area di tradizione longobarda (l'Italia settentrionale), rispetto a un'area di tradizione romano-bizantina (l'Italia centrale, ma anche la Sardegna) e a un'area, per la verità non omogenea, di influenza bizantina e poi normanno-sveva. All'interno di questa ultima considerazione va collocata la questione dei "colliberti", affrontata magistralmente da Marc Bloch e, più recentemente, ripresa da Dominique Barthélemy e da chi scrive[11].

In molte regioni italiane nei secoli XI e XII i *colliberti* vennero equiparati ai liberi poiché, pur essendo liberti condizionati (come già gli *aldii* longobardi o i *liti* franchi), nell'ambito delle comunità rurali in cui erano insediati avevano diritti e doveri che i *servi* non ebbero mai oppure ottennero per gradi solo molto tardi[12]. Invece in altre regioni (per esempio in Sardegna) furono talvolta confusi con i *servi* in quanto prestavano i medesimi servizi a favore dei patroni, quantunque la condizione giuridica delle due categorie di dipendenti si mantenesse distinta[13]. Ciò ha indotto alcuni studiosi a comprendere in un'unica classe di dipendenti i *servi* propriamente detti e i liberti condizionati, immaginando che il servaggio bassomedievale prendesse forma da questa ipotetica fusione, che alcuni passaggi della

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[10] M. PARISSE, *Histoire et sémantique: de 'servus' à 'homo'*, in *Forms of Servitude in Northern and Central Europe. Decline, Resistance and Expansion*, ed. by P. FREEDMAN and M. BOURIN, Tourhout 2005, pp. 19-56. Cfr. anche A. DÉBORD, *La société laïque dans les pays de la Charente (Xe-XIIe siècle)*, Paris 1984, p. 314 ss., il quale osserva che alla scomparsa dei vocaboli *mancipia* e *servus* fa riscontro dalla seconda metà del secolo XI la diffusione dei lemmi *rusticus* e *agricola*, che indicano coltivatori dipendenti liberi. Invece tra i sostenitori di un "asservissement généralisé" dei dipendenti della signoria rurale, qualificati come *homines alicuius*, si colloca N. CARRIER, *Les usages de la servitude*, cit., p. 183 ss.

[11] M. BLOCH, *I colliberti. Studio sulla formazone della classe servile* (1928), ora in *La servitù nella società medievale*, nuova ediz. it. a c. di G. CHERUBINI, Firenze 1993, pp. 189-295; D. BARTHÉLEMY, *La société dans le comté de Vendôme de l'an mil au XIVe siècle*, Paris 1993, pp. 40 ss., 475-483; F. PANERO, *Il tema dei colliberti medievali nella storiografia italiana e francese del Novecento*, in *Uomini, paesaggi, storie. Studi di storia medievale per Giovanni Cherubini*, a c. di D. BALESTRACCI, A. BARLUCCHI, F. FRANCESCHI, P. NANNI, G. PICCINNI, A. ZORZI, Siena 2012, pp. 1159-1179.

[12] K. MODZELEWSKI, *L'Europa dei barbari. Le culture tribali di fronte alla cultura romano-cristiana*, trad. it., Torino 2008, p. 182 ss.

[13] PANERO, *Il tema dei colliberti medievali*, cit., p. 1161 s.

riflessione di Marc Bloch potrebbero effettivamente suggerire[14]. In realtà, la questione dei "colliberti", pur rappresentando un aspetto delle trasformazioni della servitù altomedievale e pur non essendo un elemento essenziale per definire il nuovo servaggio bassomedievale, consente di appurare che se i servizi prestati dai *colliberti* stessi erano spesso i medesimi di quelli dei *servi*, ciò avvenne perché la condizione servile era migliorata, avvicinandosi a quella dei liberti condizionati, e non il contrario. Era, del resto, questo lo *status* dei servi *fiscalini* regi, che fin dall'età carolingia potevano testimoniare; tale diritto fu poi riconosciuto alla metà del secolo XII anche ai *servi* di alcuni enti monastici francesi insieme alla capacità di prendere parte ai duelli giudiziari[15]. È in linea con questa stessa realtà la consuetudine dei *famuli* servili del monastero di San Zeno di Verona o quelli della Chiesa di Genova, che a partire dalla seconda metà del secolo X o dall'inizio dell'XI furono autorizzati a vendere terre in concessione perpetua ad altri *servi* ecclesiastici[16]. È simile a questa ancora la condizione degli stessi *servi foranei* sardi, che nei secoli XI e XII erano autorizzati a spostarsi e a risiedere lontano dal padrone, pur continuando a versare tributi e a prestare servizi a favore di quest'ultimo. Tuttavia nelle comunità rurali sarde della prima metà del secolo XII soltanto i *colliberti* – e non i *servi* – erano pienamente integrati con i liberi sul piano giuridico e sociale nelle comunità di residenza: infatti "erano rappresentati da un medesimo procuratore/*mandatore*, avevano il diritto di testimoniare in tribunale, erano chiamati come testi per la redazione di atti privati, davano il loro consenso per la vendita di terre comuni"[17].

Dunque, all'inizio del secolo XII nelle comunità rurali di alcune regioni italiane, accanto ai contadini dipendenti liberi vi erano qua e là gruppi di *colliberti* ben integrati nella comunità dei rustici e distinti dai *servi* che, accasati o impiegati nel servizio domestico, nelle masnade armate o sulle terre signorili a conduzione diretta, costituivano una piccola minoranza della popolazione rurale[18]. Se di livellamento si può effettivamente parlare, questo riguarda i *colliberti*, giuridicamente equiparati ai liberi attraverso un atto di manumissione (quantunque condizionata dalla prestazione di servizi ai patroni) e alcuni gruppi di *servi casati* che in forma surrettizia o attraverso matrimoni misti, tacitamente autorizzati dai *domini*, avevano consentito ai figli di comportarsi come contadini liberi.

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[14] D. BARTHELEMY, *La société dans le comté de Vendôme*, cit., pp. 475-485; IDEM, *Qu'est-ce que le servage en France, au XIe siècle?*, in "Revue Historique", 582, 1992, pp. 233-284

[15] O. GUILLOT, *La participation au duel judiciaire de témoins de condition serve dans l'Ile-de-France au XIe siècle*, in *Études pour J. Yver*, Paris 1976, p. 345.

[16] A. CASTAGNETTI, *La Valpolicella dall'alto medioevo all'età comunale*, Verona 1984, pp. 96-107; PANERO, *Schiavi, servi e villani nell'Italia medievale*, cit., pp. 92 s., 331 s. Analoghi diritti dei servi casati sulla terra in concessione, oltre che relativi alla possibilità di contrarre matrimoni legali, sono stati rilevati per il Delfinato: N. CARRIER, *Les usages de la servitude*, cit., p. 99.

[17] F. PANERO, *Il tema dei colliberti medievali*, cit., p. 1175.

[18] IDEM, *Schiavi, servi e* homines alterius, cit., p. 915 ss.

2. Libera dipendenza e forme di servaggio nell'Italia centro-settentrionale: raffronti fra l'area di tradizione longobarda e l'area di tradizione romano-bizantina (secoli XII-XIV)

La contrattualistica agraria e la libera dipendenza

La storia comparata – pur con i limiti che questo metodo di studio può presentare qualora ci si affidi a interpretazioni generali per spiegare casi locali poco documentati – è una strada percorribile per l'analisi della diversificazione sia dei patti agrari che regolamentavano la libera dipendenza sia delle forme di servaggio bassomedievale comprovati da atti scritti. Una prima comparazione possibile è tra i coltivatori dipendenti liberi dell'Italia settentrionale di tradizione longobarda e quelli dell'area centroitalica di tradizione romano-bizantina. Sul piano economico dei rapporti di lavoro e delle relazioni sociali già per l'alto medioevo è stata rilevata una differenziazione tra le due macroregioni negli studi di Vito Fumagalli e di Andrea Castagnetti. Il primo ha osservato che per l'area di tradizione longobarda i canoni parziari pagati dai contadini oscillavano per lo più dalla quinta parte al terzo del prodotto lordo, mentre nella *Romania* i canoni erano più lievi, abbassandosi fino a un settimo del prodotto, salvo poi capovolgersi la situazione nel corso del secolo XII, con la precoce introduzione di "livelli mezzadrili"[19]. Castagnetti dal canto suo ha evidenziato l'esistenza di importanti differenze sia tra arimanni, *coloni ingenui* e coloni non liberi dell'area romagnola sia sul piano delle relazioni vassallatico-feudali nelle due aree[20]. È vero che in questi casi si tratta principalmente di differenziazioni che riguardano uomini personalmente liberi ma, per quanto concerne i contadini, le corresponsioni economiche, le *corvées* e i servizi prestati da rustici liberi e da servi casati sono spesso assimilabili (anche se le prestazioni d'opera gratuita da parte di questi ultimi sono solitamente più onerose)[21].

A proposito delle prestazioni d'opera, è opportuno osservare subito che al di là del peso economico differenziato da proprietà a proprietà, si devono escludere le *corvées* dagli elementi che possono connotare la dipendenza servile. Infatti gli stessi tribunali pubblici esitavano ad attribuire alle *corvées* la forza di prova quando si doveva accertare la forma di dipendenza cui erano soggetti i contadini (*de re*, temporanea, oppure *de persona*, ereditaria)[22].

Per l'area di tradizione longobarda – compreso il Piacentino – e per la Toscana è anche interessante il processo che porta alla definizione del *conquestum*, ossia del

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[19] V. FUMAGALLI, *Coloni e signori nell'Italia settentrionale, Secoli VI-XI*, Bologna 1978; IDEM, *Terra e società nell'Italia padana. I secoli IX e X*, Torino 1976. Per i "livelli mezzadrili" cfr. M. MONTANARI, *Campagne medievali. Strutture produttive, rapporti di lavoro, sistemi alimentari*, Torino 1984, p. 86 ss.

[20] A. CASTAGNETTI, *Arimanni in "Romania" fra conti e signori*, Verona 1988.

[21] G. PASQUALI, *L'azienda curtense e l'economia rurale dei secoli VI-XI*, in *Uomini e campagne nell'Italia medievale* a c. di A. CORTONESI, G. PASQUALI, G. PICCINNI, Roma-Bari 2002, p. 98 ss.

[22] F. PANERO, *Le corvées nelle campagne dell'Italia settentrionale: prestazioni d'opera "personali", "reali" e "pubbliche" (secoli X-XIV)*, in *Pour une anthropologie du prélèvement seigneurial dans les campagnes médiévales (XIe-XIVe siècles). Réalités et représentations paysannes*, a c. di M. BOURIN, P. MARTÍNEZ SOPENA, Paris 2004, pp. 365-380.

diritto dei coltivatori dipendenti liberi di accumulare beni mobili sulle terre in concessione. Come ha osservato Bruno Andreolli[23], il diritto al *conquestum* si definisce in età carolingia come superamento della tradizione longobarda, che invece prevedeva che il coltivatore libero, alla scadenza del contratto, lasciasse nella casa in locazione attrezzi e beni mobili accumulati (previo risarcimento da parte del proprietario qualora i beni fossero stati acquistati con i risparmi del coltivatore e non con i frutti del lavoro svolto nell'azienda agricola)[24]. Dalla fine del secolo VIII e soprattutto nel IX e nel X, infatti, i contadini dell'Italia settentrionale e della Toscana potevano andarsene dal manso avuto in locazione, per lo più per ventinove anni (ma anche per periodi più brevi oppure a tempo indeterminato), portando con sé una parte o tutti i beni mobili, esclusa la casa, anche questa considerata un bene mobile. Solo interrompendo il contratto prima della scadenza il coltivatore avrebbe perso il *conquestum* (e avrebbe dovuto pagare una penale al proprietario). In verità il diritto al *conquestum*, collegato con la possibilità di emigrare, nell'Italia del Nord poteva anche essere riconosciuto al *servus*, ma solo una volta ottenuta la manumissione, come si evince da diverse carte dei secoli IX-XII, con l'eccezione dei *servi foranei* che, pur disponendo del loro peculio, continuavano a dipendere dai propri *domini* anche se residenti fuori dal dominio signorile[25].

Analoghe considerazioni si possono fare per le *investiture ad fictum* a tempo indeterminato dell'area padana, dei secoli XII-XIII, a favore di coltivatori liberi[26]. Infatti, rispetto ad alcune forme di pattuizione agraria della Romagna e dell'Italia centrale dello stesso periodo, particolarmente vincolanti per i coltivatori – che analizzeremo più avanti –, si può osservare che nella regione padana i contratti agrari a tempo indeterminato e le pattuizioni orali desumibili dai "consegnamenti" si conciliavano con la condizione di libertà dei contadini.

Livellari, massari liberi, rustici e *homines* (senza altra specificazione) che in area padana, in età precomunale e comunale, contraevano patti agrari a tempo indeterminato avevano il diritto di portare con sé i beni mobili in caso di trasferimento su altre terre e in altre giurisdizioni. In alcuni atti milanesi dei secoli XII e XIII si precisava che i contadini non avrebbero potuto smantellare la casa costruita sul sedime di proprietà signorile, poiché il depauperamento del sedime avrebbe diminuito l'importo del laudemio (proporzionale al valore dei beni), che ogni nuovo locatario avrebbe dovuto pagare al proprietario dell'azienda all'ingresso nella casa. Altre volte i giudici ammettevano che gli edifici si potessero trasferire altrove, a patto che fossero stati costruiti con materiali presi fuori dal massaricio[27]. Nel *Liber Consuetudinum Mediolani* era previsto che al termine della locazione i rustici,

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[23] B. ANDREOLLI, *"Ad conquestum faciendum". Un contributo per lo studio dei contratti agrari altomedievali*, in "Rivista di Storia dell'Agricoltura", XVIII (1978), pp. 127-136.

[24] *Liutprandi leges*, in *Leges Langobardorum (643-866)*, a c. di F. BEYERLE, Witzenhausen 1962, p. 164 s., cap. 133, a. 733

[25] F. PANERO, *Schiavi, servi e villani*, cit., p. 264 ss. Per i *servi foranei* cfr. testo fra le note 16-17.

[26] IDEM, *Terre in concessione e mobilità contadina. Le campagne fra Po, Sesia e Dora Baltea (secoli XII e XIII)*, Bologna 1984, p. 25 ss.

[27] *Gli atti del comune di Milano fino all'anno 1216*, a c. di C. MANARESI, Milano 1919, p. 157 ss., docc. 115-116, 17 mag. 1178 e 3 giu. 1178.

prima di emigrare, riparassero i tetti di paglia e lasciassero ai proprietari le case costruite con i materiali del *massaricium*. E in ogni caso i proprietari avrebbero riottenuto il possesso della terra data in locazione a tempo indeterminato se il coltivatore fosse andato ad abitare in un'altra località[28].

I contratti agrari dell'epoca, relativi a Piemonte, Lombardia e Veneto – ma anche alcuni patti toscani già nel secolo XI – permettevano spesso al concessionario di cedere ad altri residenti nella località, o anche a terzi genericamente menzionati, i diritti d'uso sulla terra in concessione a tempo indeterminato, fatto salvo il diritto di prelazione dei proprietari: il coltivatore dipendente poteva quindi emigrare liberamente dopo aver pagato gli eventuali debiti contratti con i signori (che peraltro avevano il diritto di pignorare i beni del contadino inadempiente); contestualmente il coltivatore subentrato, come si è detto, pagava un laudemio di entratura al proprietario della terra[29].

Avendo conseguito un possesso duraturo sulla terra in concessione – assimilabile al "dominio utile" posseduto per esempio da vassalli e livellari intermediari – i coltivatori padani nei secoli XII-XIV potevano lasciare in eredità ai figli e ai nipoti in linea retta la terra in locazione a tempo indeterminato, oltre agli eventuali allodi e ai beni mobili. La figlia che avesse ereditato il manso in concessione, sposandosi con un uomo soggetto a un'altra giurisdizione avrebbe invece dovuto pagare un laudemio di entratura al signore eminente, come se il marito fosse un nuovo concessionario. E in Piemonte, nell'Astigiano, è anche documentata la tassazione a favore dei signori di banno degli allodi ereditati dalle figlie di contadini liberi e trasferiti al marito sottoposto a un'altra giurisdizione signorile[30]. La contrattazione fra comunità e signori permetteva talvolta di trasmettere in eredità la terra in concessione anche a collaterali entro il terzo grado[31].

Oltre agli obblighi di natura economica (canoni in natura e in denaro, donativi, eventuali *corvées* di trasporto, di aratura o di fienagione), i rustici padani erano tenuti verso i signori di banno a pagare tasse di mercato, banni, tasse di giudicatura, a sostenere *corvées* di tipo pubblico come la manutenzione dei fossati, delle strade e del castello signorile, a far fronte alle richieste dei *domini* relative all'ospitalità (*albergaria*), a diritti di successione per le terre in concessione e per gli allodi – in questo caso però non si trattava di "manomorta servile" bensì di tributi pubblici, originariamente spettanti al regno, ivi compresa la devoluzione dei beni degli

[28] *Liber Consuetudinum Mediolani anni MCCXVI*, a c. di E. BESTA, G. BARNI, Milano 1945, p. 41 s., rubr. IX, 29; p. 43, rubr. IX, 36.

[29] A. CASTAGNETTI, *I possessi di S. Zeno di Verona a Bardolino*, in "Studi Medievali", III s., XIII/1, 1972, pp. 136 ss., 154 ss.; G. CHITTOLINI, *I beni terrieri del capitolo della cattedrale di Cremona fra il XIII e il XIV secolo*, in "Nuova Rivista Storica" 49, 1965, p. 229 s.; F. MENANT, *Campagnes lombardes du Moyen Âge. L'économie et la société rurales dans la région de Bergame, de Crémone et de Brescia du Xe au XIIIe siède*, Rome 1993, p. 311 ss.; E. OCCHIPINTI, *Il contado milanese nel secolo XIII. L'amministrazione della proprietà fondiaria del Monastero Maggiore*, Bologna 1982, p. 178 ss. Cfr. anche note 26 e 35.

[30] *Le carte dell'archivio capitolare di Asti*, a c. di F. GABOTTO, N. GABIANI, Pinerolo 1907 (BSSS, 37), p. 89 ss., doc. 96, ante 11 set. 1185; p. 256 ss., doc. 297, 5 mag. 1222; p. 323, doc. 368, 4 mar. 1232. Cfr. BALDA, *Una corte rurale nel territorio di Asti nel medioevo: Quarto d'Asti e l'amministrazione del capitolo canonicale*, in "Bollettino Storico-Bibliografico Subalpino", LXX, 1972, pp. 67, 109 ss.

[31] F. PANERO, *Terre in concessione e mobilità contadina*, cit., p. 29.

intestati senza eredi diretti – e ai diritti su pesca, caccia e pascolo su terre messe a disposizione della comunità[32].

Tutti questi diritti signorili in linea di principio non contrastavano con la libertà personale dei contadini, che avrebbero potuto interrompere il rapporto di dipendenza, restituendo al signore le terre in concessione sulle quali risiedevano, ma conservando legittimamente eventuali allodi e appezzamenti di terra avuti in locazione da altri proprietari, come chiariva uno statuto del comune di Vercelli, che all'inizio del secolo XIII stava estendendo la propria giurisdizione territoriale nella diocesi e quindi aveva ogni interesse a precisare per iscritto le consuetudini vigenti nel territorio[33]. Nel momento in cui il comune urbano si sostituiva ai signori di banno solitamente riteneva incompatibile con la politica cittadina nel contado i tradizionali diritti dei proprietari terrieri di giudicare e punire i contadini che non fossero *servi*, facoltà che in verità i capitolari carolingi avevano gradualmente riservato sia ai titolari di immunità negative (poteri coercitivi e di conciliazione), sia ai grandi proprietari in genere, che avrebbero avuto la responsabilità di presentare al placito pubblico i dipendenti liberi che avessero compiuto reati. D'altro canto, proprio per ridurre il numero dei casi in cui il proprietario sarebbe stato responsabile per i propri dipendenti di fronte al tribunale pubblico, molti signori fin dall'alto medioevo inserivano nei patti agrari, stipulati con contadini che conservavano nondimeno la loro libertà, la clausola della *iustitia domnica* o clausola della "giurisdizione convenzionale", che consentiva loro di giudicare e punire le inadempienze dei coltivatori liberi commesse all'interno della proprietà, fatto salvo comunque il diritto di questi ultimi di adire il tribunale pubblico[34].

La contrattualistica agraria che si afferma a partire dal secolo XI consente di rilevare molte analogie tra i contratti di *investitura ad fictum* o *nomine locationis et massaricii* e i contratti di tipo livellario rinnovabili o perpetui dell'Italia centrale, dove il locatario poteva alienare il dominio utile o, comunque, il diritto d'uso sulla terra (ferma restando la possibilità di prelazione, magari a un prezzo di favore, per il proprietario)[35].

Un elemento unificante della condizione dei contadini dipendenti liberi di tutta l'Italia centro-settentrionale, ma anche di alcune regioni dell'Italia meridionale[36],

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[32] IDEM, *Servi e rustici,*, cit., p. 219 ss.

[33] *Statuta communis Vercellarum ab anno MCCXLI*, a c. di G.B. ADRIANI (e V. MANDELLI), in Historiae Patriae Monumenta, *Leges Municipales*, II/2, Torino 1876, col. 1185-1186, rubr. 246: questa rubrica statutaria è databile tra il 1210 e il 1227.

[34] B. ANDREOLLI, *Coloni dipendenti e giustizia signorile. Una verifica in base alla contrattualistica agraria dell'Emilia altomedievale*, in *I contadini emiliani dal Medioevo a oggi. Indagini e problemi storiografici*, Bologna 1986, pp. 33-50; F. PANERO, *Servi, coltivatori dipendenti e giustizia signorile nell'Italia padana dell'età carolingia*, in "Nuova Rivista Storica", LXXII, 1988, pp. 551-582. Poteri giurisdizionali pieni erano ovviamente riconosciuti ai titolari di immunità positive: M. KROELL, *L'immunité franque*, Paris 1910, p. 213 ss.; F. PANERO, *La giurisdizione sui rustici della "Langobardia" nei secoli X-XII*, in *Seigneurial Jurisdiction*, ed. by L. BONFIELD, Berlin 2000 (= "Comparative Studies in Continental and Anglo-American Legal History", 21), pp. 103-143.

[35] A. CORTONESI, *Contrattualistica agraria e proprietà ecclesiastica (metà sec. XII-inizi sec. XIV). Qualche osservazione*, in *Gli spazi economici dela Chiesa nell'Occidente mediterraneo (secoli XII-metà XIV)*, Pistoia 1999, p. 109 ss.

[36] J.-M. MARTIN, *La Pouille du VIe au XIIe siècle*, Rome 1993, pp. 317 ss., 324 ss.

prima della metà del secolo XII è costituito proprio da questi diritti dei *rustici*, che ne accentuavano dunque la mobilità: questa divenne molto frequente nello stesso periodo in cui signori territoriali e comuni urbani intensificarono il processo di fondazione di villenove. Infatti da quel momento in poi le migrazioni si accentuarono, mentre centinaia di nuovi insediamenti furono popolati, e molti furono abbandonati[37], soprattutto come conseguenza di quel processo di mobilità spontanea e, per così dire, "fisiologica" dei contadini liberi e, occasionalmente, di servi fuggitivi[38].

La condizione di libertà dei *rustici* – dalla Lombardia al Piemonte e alla Liguria, in Emilia-Romagna, nel Veneto e in Friuli, ma anche in Toscana, in Umbria, nel Lazio, dove le ricerche sul mondo contadino e sulla storia agraria si sono moltiplicate negli ultimi trent'anni[39] – era dunque caratterizzata da una accentuata autonomia economica, collegata ai diritti d'uso a tempo indeterminato sulle terre avute in concessione, che trovavano una legittimazione, oltre che nei patti agrari, nelle *consuetudines loci et fundi*, nelle consuetudini scritte e negli statuti comunali[40]. Del resto, i comuni urbani tutelarono precocemente i diritti di libertà economico-giuridica dei contadini perché è verso questo mondo e questa condizione, pressoché generalizzata, che rivolgevano i propri progetti politici di estensione della giurisdizione cittadina fra XII e XIII secolo, in concorrenza con le signorie territoriali di banno. A confermare questa realtà sono gli stessi atti di affrancazione comunale, che miravano a sottrarre uomini personalmente già liberi alla giurisdizione delle signorie di banno del territorio.

Spesso lo *status* di libertà personale degli immigrati in un borgo franco di fondazione comunale si dava per scontato in quanto gli abitanti sarebbero stati esclusivamente soggetti alla giurisdizione della città fondatrice. Del resto l'affrancazione – ben diversa da un atto di manumissione – non riguardava la condizione personale degli abitanti, ma atteneva agli oneri fiscali signorili o agli oneri rusticani dovuti dalle comunità rurali alle città dominanti: in altre parole, le affrancazioni comunali equiparavano gli abitanti dei borghi franchi ai *cives* nei diritti e nei doveri[41]. Ma talvolta, per garantire il totale controllo della città su questi uomini, in particolare sugli immigrati giunti da comunità lontane, nell'atto istitutivo del borgo franco si precisava che non avrebbero potuto insediarsi nello stesso i

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[37] *Assetti territoriali e villaggi abbandonati (secoli XII-XIV)*, a c. di F. PANERO, G. PINTO, Cherasco 2012.

[38] *Borghi nuovi e borghi franchi nel processo di costruzione dei distretti comunali nell'Italia centro-settentrionale (secoli XII-XIV)*, a c. di R. COMBA, F. PANERO, G. PINTO, Cherasco-Cuneo 2002 ; AA.VV., *Le Terre nuove*, a c. di D. FRIEDMAN, P. PIRILLO, Firenze 2004; F. PANERO, *Villenove medievali nell'Italia nord-occidentale*, Torino 2004.

[39] Cfr. la vasta bibliografia citata in AA.VV., *Medievistica italiana e storia agraria*, a c. di A. CORTONESI, M. MONTANARI, Bologna 2001; AA.VV., *Le comunità rurali e i loro statuti*, a c. di A. CORTONESI, F. VIOLA, in "Rivista Storica del Lazio", 21-22 (2005-2006); AA.VV., *Contratti agrari e rapporti di lavoro nell'Europa medievale*, a c. di A. CORTONESI, M. MONTANARI, A. NELLI, Bologna 2006.

[40] Basti un rinvio a *Liber Consuetudinum Mediolani*, cit., p. 41 ss., rubr. IX. Cfr. PANERO, *La giurisdizione sui rustici della "Langobardia" nei secoli X-XII*, cit., p. 118 ss.

[41] F. PANERO, *Comuni e borghi franchi nel Piemonte medievale*, Bologna 1988, p. 43 ss.

dipendenti di condizione servile, che in quanto tali sarebbero stati rivendicabili dai propri *domini* e quindi non assoggettabili alla giurisdizione pubblica del comune[42].

Le condizioni giuridiche della dipendenza ereditaria

Un primo elemento di differenziazione giuridica fra i "dipendenti ereditari" (vale a dire di condizione servile) del Nord e del Centroitalia concerne lo *status* dei figli nati da matrimoni misti. Infatti, mentre la legge romana prevedeva che i figli seguissero la condizione materna, le leggi longobarde e franche di fatto determinavano lo *status* servile per il nato da una donna libera unita a un *servus* o da una *ancilla* sposata a un libero, se prima non fosse stata manumessa. Ancora fra XI e XII secolo Irnerio e Azzone rilevavano (per tutta l'Italia centro-settentrionale ormai) l'esistenza di questa *mala consuetudo*, che nella pratica giuridica si poneva in contraddizione con il diritto giustinianeo[43].

Se prendiamo come termine di paragone la condizione giuridica dei "coloni", notiamo come la differenziazione tra area di tradizione longobarda e area romano-bizantina si accentui nel corso del secolo XII, proprio in relazione ad alcune forme di pattuizione agraria a tempo indeterminato.

Già per l'alto medioevo si possono osservare differenze fra le due aree. Per esempio, i riferimenti al colonato di origine tardoantica, quantunque in continua trasformazione nell'alto medioevo, sono contemplati nella normativa giustinianea applicata alla contrattualistica agraria della Romagna e delle regioni dell'Italia centrale e meridionale[44], mentre i richiami ad *ascripticii* e *coloni conditionales* sono assenti nelle leggi longobarde e nei capitolari franchi che alla fine del secolo XI sono oggetto di riflessione giuridica e di interpretazione, ai fini dell'applicazione nelle procedure processuali, nella *Expositio* al *Liber Papiensis* (anche se alcuni capitolari franchi per il secolo IX fanno riferimento ai *coloni* regi e di alcuni monasteri francesi)[45]. Del resto, ancora nella Lombardia del secolo XII, a differenza della Romagna e della Toscana, il termine *colonus* non contraddistingue una condizione giuridica, ma indica genericamente il coltivatore dipendente, che può

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[42] G. FASOLI, *Ricerche sui borghi franchi dell'Alta Italia*, in "Rivista di Storia del Diritto Italiano", 15, 1942, p. 199; R. VIADER, *Le servage en Gascogne et en Languedoc*, in *Nouveaux servages et société en Europe (XIIIe-XXe siède)*, Actes du Colloque de Besançon (4-6 octobre 2007), a c. di N. CARRIER, Caen 2010, p. 44.

[43] IRNERII, *Summa Institutionum*, a c. di G.B. PALMIERI, in *Scripta Anecdota Glossatorum*, I, 2, Bologna 1913, p. 6; AZONIS, *Summa*, Lugduni 1564, f. 280 v. ("De ingenuis").

[44] C. CALISSE, *Le condizioni della proprietà territoriale studiate sui documenti della provincia romana dei secoli VIII, IX e X*, in "Archivio della Società romana di storia patria", 7, 1884, p. 55 ss.; CASTAGNETTI, *Arimanni in "Romania"*, cit., p. 17 ss.; F. CHALANDON, *Histoire de la domination normande en Italie et en Sicile*, Paris 1907, II, p. 532 ss.

[45] I *coloni* sono invece ricordati frequentemente nelle leggi dei Burgundi applicate tra V e VI secolo nelle regioni fra Delfinato, Savoia e Svizzera e sono ancora attestati fra i dipendenti della Chiesa di Marsiglia all'inizio del secolo IX: cfr. N. CARRIER, *Les usages de la servitude*, cit., pp. 33 ss., 65 ss. Per le citazioni nei capitolari carolingi cfr. F. PANERO, *Schiavi, servi e* homines alterius , cit., 919 ss., 928 ss.

trasferire la sua residenza da un luogo all'altro, anche se in questo caso la terra ritorna al proprietario, come precisa il *Liber Consuetudinum Mediolani*[46].

Nonostante ciò, per tutto il secolo XI e per i primi decenni del XII va ribadito che per quanto riguarda il rapporto fra dipendenza temporanea e dipendenza ereditaria è innegabile una notevole omogeneità fra le regioni dell'Italia centrale e quelle del Nord, dal momento che la documentazione complessiva consente di rilevare nei rapporti di dipendenza rurale una netta prevalenza della libera subordinazione, come abbiamo detto[47]. È solo nella prima metà del secolo XII che la situazione cambia, con lo sviluppo di nuove forme di servaggio "reale" nelle regioni dell'Italia centrale.

La genesi del nuovo servaggio

Volendo individuare la genesi del nuovo servaggio bassomedievale in Italia devono però essere perlomeno due i punti di osservazione, poiché la documentazione scritta dei secoli XII-XIV fa sempre riferimento ai caratteri "personali" della dipendenza ereditaria e non solo a quelli "reali" (quando ci sono). I caratteri delle due principali nuove forme di servaggio si innestano molto spesso sui rapporti di subordinazione libera – che peraltro in Italia restano prevalenti per tutto il medioevo: ciò va ribadito –, talvolta rappresentano il rilancio di condizioni tradizionali della dipendenza servile in declino, e si articolano sul piano economico-sociale e giuridico all'interno delle varie modalità di controllo degli uomini e della terra messe in campo dalle signorie fondiarie e da alcuni signori di banno di fronte a tre processi concomitanti: il consolidamento delle signorie territoriali dominanti nelle diverse regioni, l'espansione dei comuni urbani nel contado e l'accentuata mobilità dei contadini.

a) Le masnade armate

Occorre innanzitutto riflettere sullo *status* delle masnade armate, studiate in particolare da Piero Brancoli Busdraghi[48]. A partire dal secolo XI è dato spesso di trovare nei documenti toscani relativi a "grandi livelli" o ad atti di *commendatio* a un potente riferimenti ad agenti signorili o a uomini armati di un signore qualificati come *liberi commendati* o *fideles*, insieme a *servi*: entrambi i gruppi svolgevano gli stessi compiti, ma in particolare nel caso dei *servi* è possibile che si trattasse di una promozione sociale di dipendenti non-liberi della *familia* del *dominus*, dunque della trasformazione in atto di uno *status* di dipendenza ereditaria già ben consolidato[49].

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[46] *Liber Consuetudinum Mediolani*, cit., p. 37 ss., rubr. IX.

[47] F. PANERO, *Schiavi, servi e* homines alterius, cit., pp. 915 ss., 923 (si può stimare che alla fine del secolo XI non più di una famiglia su dieci fosse di condizione servile, fatte salve le difformità distributive sul piano regionale)

[48] P. BRANCOLI BUSDRAGHI, *"Masnada" e "boni homines" come strumento di dominio delle signorie rurali in Toscana (secoli XI-XIII)*, in *Strutture e trasformazioni della signoria rurale nei secoli X-XIII*, a c. di G. DILCHER, C. VIOLANTE, Bologna 1996, pp. 287-342.

[49] *Ibid.*, p. 290 ss.

Familia o *masnada* sono termini che indicano genericamente i dipendenti che dimorano nella *mansio* del signore, ma dopo il Mille segnalano sempre più spesso dipendenti liberi e *servi* che collaborano strettamente con il signore nella gestione amministrativa della grande proprietà e negli atti di coazione che il signore vi esercita o compie nel territorio di castello. Il rapporto della masnada con i propri *domini* era di natura personale[50]: se per i masnadieri *servi* non vi sono eccessivi problemi a definirlo (trattandosi di una forma di dipendenza ereditaria), per i masnadieri liberi è molto probabile che fosse di natura negoziale, vale a dire legittimato da un atto di *commendatio* oppure, a partire dal secolo XII, da un patto assimilabile a quello che rendeva ascrittizi o *homines alterius* vincolati ereditariamente – di cui subito parleremo –, che peraltro potrebbe spiegare il graduale superamento, nella documentazione relativa alle masnade, delle differenze tra *servi* e liberi. In ogni caso, era il signore, e non il comune o altra autorità pubblica, a *distringere* i masnadieri (*maxinatae* e, in modo più dettagliato, *domicelli*, *scutiferi*, *familiares* in un documento lucchese del 1288)[51] poiché essi rientravano nella sfera della giurisdizione signorile "familiare" e quindi sfuggivano alla giurisdizione pubblica esercitata in quel territorio, come avveniva pure per *servi*, *ascripticii* e *homines alterius*.

Anche per la Liguria orientale, l'Emilia-Romagna, la Lombardia, il Veneto e il Friuli è documentata nei secoli XIII e XIV la presenza di servi di masnada assimilabili a quelli toscani.

Ai *servi* del Friuli Antonio Battistella dedicò un ampio studio all'inizio del Novecento[52], ma solo nei confronti del gruppo propriamente servile – numericamente molto più ridotto rispetto alle valutazioni dello studioso – i *domini* vietavano i matrimoni fuori dalla signoria, stipulavano contratti matrimoniali con altri signori (prevedendo la spartizione della prole) e scioglievano i legami di dipendenza con un appropriato atto di manumissione. Invece nei confronti degli altri dipendenti, indubbiamente il gruppo maggioritario, di condizione libera, esigevano il pagamento di censi, alcune *corvées* e le custodie armate del castello o del villaggio (*guaite*) solo fino a quando avessero mantenuto il proprio domicilio nel territorio[53].

Nel Veneto, i servi di masnada di Ezzelino da Romano, liberati nel 1258 con un atto del papa Alessandro IV – che intendeva in tal modo colpire il capo dello schieramento ghibellino, accusato di essere eretico –, rappresentano bene queste forme di nuovo servaggio, quantunque in questo caso non sia ben chiara la tipologia originaria del rapporto di dipendenza, al di là del fatto che sul piano giuridico si trattava di una subordinazione ereditaria e molti di questi *servi* erano impiegati nelle masnade armate dei da Romano[54].

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[50] *Ibid.*, p. 308 ss.

[51] *Ibid.*, p. 323.

[52] A. BATTISTELLA, *La servitù di masnada in Friuli*, in "Nuovo Archivio Veneto", 62-64, 1906, p. 45 ss.

[53] Cfr. P. CAMMAROSANO, *L'alto medioevo: verso la formazione regionale*, in *Storia della società friulana. Il medioevo*, a c. di P. CAMMAROSANO, Tavagnacco 1988, p. 134 ss.; F. PANERO, *Persistenze della servitù altomedievale e forme di nuovo "servaggio" nell'Italia centro-settentrionale (secoli XII-XIV)*, in "Melanges de l'École Française de Rome-Moyen Âge", 112, 2000, 2, p. 761 ss.

[54] G. FASOLI, *Prestazioni in natura nell'ordinamento economico feudale: feudi ministeriali dell'Italia nord-orientale*, in *Storia d'Italia, Annali*, 6, Torino 1983, p. 71.

Le *maxinatae* bolognesi fin dall'inizio del Duecento erano costituite prevalentemente da *servi* rurali, ma vi erano compresi anche quegli uomini liberi che, coniugati con *ancillae* – come disponeva una norma statutaria approvata dal comune di Bologna intorno al 1209 – entravano a far parte della *familia* signorile ed erano esonerati dal pagamento dei tributi a favore del comune, come d'altronde lo erano tutti i *servi* propriamente detti[55].

Talvolta erano rapporti costituiti in tempi recenti nell'ambito del consolidamento di signorie fondiarie, ma anche all'interno di signorie locali o territoriali. Il caso dei Malaspina è molto significativo al riguardo: infatti mentre la signoria territoriale dei marchesi Malaspina mirava a consolidare la propria giurisdizione in diversi territori fra Liguria orientale e Lunigiana, nei decenni centrali del secolo XII aveva stipulato con contadini liberi nuovi patti che si uniformavano alla dottrina dei glossatori. Si trattava di *homines* (nel caso specifico, uno per ogni famiglia dipendente) che su base pattizia si erano impegnati a svolgere servizi per i marchesi o i loro vassalli entrando nella categoria dei *comandi*, ossia dei commendati vincolati a vita al loro signore: questa fu la dichiarazione dei Malaspina nell'atto di sottomissione al comune di Genova nel 1168[56]. Altri contadini liberi, dichiaravano ancora i marchesi, negli ultimi trent'anni erano diventati allo stesso modo *manentes*, termine che indicava fin dall'alto medioevo i residenti su terra signorile, liberi o servi che fossero, ma che in questo caso designava presumibil-mente dei dipendenti ereditari, come prevedevano i nuovi patti di manenza colonaria che si stavano diffondendo in Toscana[57]. Questa ipotesi sembra del resto essere confermata dal fatto che tra i contadini dei Malaspina vi era anche un'altra tipologia di *manentes*, residenti altrove e che pertanto – visto che il loro *status* personale era questa volta libero, come quello di molti manenti dei secoli X e XI[58] – erano considerati dalla stessa signoria semplici fittavoli, liberi di lasciare la terra in concessione e quindi di sottrarsi in questo modo a ogni onere di dipendenza[59].

b) Ascrittizi, villani, "homines alterius"

Nel secondo percorso che determina condizioni di servaggio, i margini di ambiguità rilevati per lo *status* giuridico delle masnade signorili si riducono nettamente, soprattutto grazie alle informazioni che emergono dall'analisi della contrattualistica agraria e dagli atti di manumissione del Bolognese e delle regioni dell'Italia centrale a partire dal secolo XII. La condizione di nuova servitù di alcuni

55 *Il "Liber Paradisus" con un'antologia di fonti bolognesi in materia di servitù medievale (942-1304)*, a c. di A. ANTONELLI, Venezia 2007, p. 129: lo statuto fu modificato nel 1256, precisando che da quel momento in poi il libero coniugato con una *ancilla* non sarebbe più stato esonerato "a publicis factionibus". Cfr. A.I. PINI, *La politica demografica "ad elastico" di Bologna fra il XII e il XIV secolo*, in IDEM, *Città medievali e demografia storica*, Bologna 1996, pp. 121-130.

56 *I "Libri iurium" della Repubblica di Genova*, a c. di D. PUNCUH, A. ROVERE, Genova 1992-1998, I/1, p. 312, doc. 218, 23 ott. 1168.

57 Cfr. nota 60 ss.

58 F. PANERO, *Schiavi, servi e villani*, cit., p. 210 ss.

59 *I "Libri iurium" della Repubblica di Genova*, cit., I/1, p. 312 s.: "terram ipsam libere dimittere possint; qua dimissa nullam eis postea in personis vel rebus vim aut iniuriam vel exactionem faciam".

gruppi di dipendenti rurali è ben esemplificata dalla definizione dello *status* degli ascrittizi, dei villani (oppure coloni-ascrittizi o manenti), degli *homines alterius*, che sono documentati proprio in queste regioni, dove la riflessione dei giuristi postirneriani fu più precoce che in altre aree italiane ed europee e fu ben presto recepita dai giuristi pratici, i quali ne consentirono il transito nei *consilia*, negli atti processuali, nei formulari notarili e quindi nei patti agrari e negli atti di liberazione da tali condizioni[60].

L'applicazione pratica della lezione di Irnerio – al quale, come già rilevava Marc Bloch, dobbiamo l'espressione *glebae servus*, utilizzata però dal glossatore per indicare il colono-ascrittizio tardoantico legato alla terra e non il *servus* né il livellario, il massaro, il rustico della fine del secolo XI[61] – si può già cogliere in un documento lucchese, abbastanza noto, del 1112[62]. Questa carta viene spesso citata come uno dei primi esempi di contratti toscani che, richiedendo l'impegno perpetuo alla residenza ai contadini contraenti e ai loro discendenti, avrebbero introdotto nella contrattualistica agraria clausole desunte dal diritto giustinianeo particolarmente vincolanti, creando così nuove relazioni di servaggio. Nel caso specifico, un uomo libero, nell'atto di ricevere terre in concessione dai canonici di San Martino di Lucca, prometteva per sé e per i propri figli e nipoti che sarebbero diventati *coloni*, "volgarmente detti *manentes*", impegnandosi a risiedere per sempre sulla terra che la chiesa possedeva nel territorio della pieve San Pietro di Campo Maggiore, riconoscendo il diritto dei proprietari di costringere i coltivatori stessi a ritornare ad abitare sulla stessa terra qualora avessero in futuro deciso di abbandonarla. In altre parole – come viene confermato da diversi altri atti scritti successivi relativi alla stessa regione[63] – gli aspetti formali, connessi ai riferimenti allo *status* dei *coloni* contemplato nel diritto giustinianeo, avevano conseguenze sostanziali e molto più vincolanti che in passato per il contadino che assumeva l'impegno alla residenza, appunto secondo la normativa romanistica. Il fatto che tali clausole fossero precisate in un contratto agrario indicano poi che le pattuizioni consuetudinarie – al di là degli atti di violenza da parte dei signori, sempre possibili, ed effettivamente documentati, ma mai risolutivi – non erano in grado di imporre vincoli altrettanto forti ai fini di frenare la mobilità dei contadini liberi.

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60 F. PANERO, *Schiavi, servi e villani*, cit., p. 206 ss.

61 IRNERII, *Summa institutionum*, cit., p. 8: "ascriptitia autem conditio non ea est qua quis alieno principaliter subiiciatur dominio, sed glebe servus intelligitur, non principaliter persone, sic et in rerum servitutibus, que prima facie rebus serviunt, et per hoc etiam nobis". Cfr. M. BLOCH, *Serf de la glèbe. Histoire d'une expression toute faite* (1921) et *Servus glebae* (1926), in ID., *Mélanges historiques*, I, Paris 1963, pp. 356 ss., 373 ss.

62 *Regesto del capitolo di Lucca*, a c. di P. GUIDI, O. PARENTI, Roma 1910, I, p. 304, doc. 715, 8 feb. 1112. Cfr. F. PANERO, *Schiavi, servi e villani*, cit., p. 215 s.

63 Cfr. i docc. citati ed editi da P. VACCARI, *L'affrancazione dei servi della gleba nell'Emilia e nella Toscana*, Bologna 1926, p. 43 ss. Numerosi altri esempi relativi alla Toscana sono citati da S.M. COLLAVINI, *Il "servaggio" in Toscana nel XII e XIII secolo: alcuni sondaggi nella documentazione diplomatica*, in "Mélanges de l'École Française de Rome-Moyen Âge", 112, 2000, 2, pp. 775-801: l'A. accoglie l'interpretazione tradizionale, consacrata dagli studi del Vaccari, secondo la quale la nuova contrattualistica avrebbe assorbito le forme di servaggio già consolidate all'interno della "signoria di banno". Cfr. però nota 60.

A partire dal secolo XII la condizione dei nuovi *manentes* fu dunque molto spesso omologata a quella dei *coloni/ascripticii* e di altre figure di dipendenti non pienamente liberi (anche se diversi dagli schiavi) ricorrenti nel *Corpus Iuris* giustinianeo. Se i canoni e i servizi prestati al signore – ivi compresi il giuramento di fedeltà, l'ospitalità, talvolta la sottomissione alla "giurisdizione convenzionale" – non erano dissimili da quelli prestati dai contadini liberi secondo i contratti tradizionali, ora questa nuova tipologia di patti agrari prevedeva il vincolo perpetuo al *resedium*, che il contadino poteva sciogliere soltanto ottenendo un atto di manumissione oppure fuggendo in un altro territorio. La fuga, però, comportava il rischio per il colono-ascrittizio di essere rivendicato in tribunale dal *dominus* e quindi riportato al proprio luogo di residenza se il giudice avesse appurato che il contadino stesso aveva accettato la sottomissione alla condizione ascrittizia con una duplice scrittura oppure con un patto orale e una *promissio* di essere tale[64].

Che poi, talvolta, i signori tentassero indebitamente di considerare ascrittizi i propri contadini è dichiarato espressamente da Rolando da Lucca, uno dei giuristi che fra XII e XIII secolo dedicò parte delle proprie riflessioni teoriche e del proprio impegno pratico alla questione del nuovo servaggio; ma solo ricorrendo i caratteri pattizi previsti dalle norme sul nuovo colonato, i signori avrebbero potuto *de iure* rivendicare i loro diritti perpetui sulle persone, come affermano sostanzialmente tutti i giuristi pratici[65].

Anche nel territorio di Perugia la diffusione dei patti perpetui *de homitia* avevano fatto crescere il gruppo degli *homines alterius* (ben diversi dagli *homines* genericamente menzionati!), che Martino da Fano equiparava negli atti di liberazione ai coloni-ascrittizi tardoantichi[66]. Così alla metà del secolo XIII il monastero perugino di San Pietro aveva finito per considerare tutti gli abitanti di Casalina suoi *homines de corpore*. Alcuni di questi avevano sicuramente assunto in passato tali oneri con una scrittura e una *promissio*, lasciando in eredità la condizione di stretta dipendenza ai loro figli e nipoti, ma la comunità non accettava un'omologazione generale allo stato di servitù perché evidentemente vi erano famiglie soggette a forme di dipendenza libera, che *de iure* consentivano loro di emigrare senza impedimenti, restituendo la terra in concessione ai signori. La vertenza, scaturita dalle esigenze di mobilità della popolazione, indusse infine il monastero, nel 1270, a riconoscere a tutte le famiglie della comunità il diritto di emigrare, però attraverso un atto oneroso di liberazione collettiva, che contemplava tutte le forme di dipendenza servile, nuove e tradizionali ("conditione collonaria, censita, abscriptitia et qualibet alia conditione

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64 AZONIS, *Summa*, cit., f. 272 ss. Cfr. F. PANERO, *Schiavi, servi e villani*, cit., p. 229 ss.

65 E. CONTE, S. MENZINGER, *La Summa Trium Librorum di Rolando da Lucca (1195-1234). Fisco, politica, scientia iuris*, Roma 2012, pp. XVIII ss., 363-385 (in partic. p. 383 s.); E. CONTE, *Servi medievali*, cit., pp. 28 ss., 54 ss., 91 ss.

66 *Das "formularium" des Martinus de Fano*, a c. di L. WAHRMUND, Aalen 1962, p. 70: "De homitiae libertate: ... affranco, libero et absolvo te ... ab omni iugo homitiae, manentiae colonariae, censitae et asscriptitiae conditionis ...". Cfr. C.E. TAVILLA, *"Homo alterius". I rapporti di dipendenza personale nella dottrina del Duecento. Il trattato "De hominiciis" di Martino da Fano*, Napoli 1993.

servili")[67], le sole che secondo la scienza giuridica romanistica potessero essere impugnate dai signori per impedire l'emigrazione dei contadini dipendenti[68].

Tocchiamo così la *vexata quaestio* delle *malae consuetudines*, che in certe regioni europee – per esempio nella vecchia Catalogna – portarono a un'accentuazione dei poteri signorili nei confronti dei *remenças*[69]. In Italia e sul versante occidentale delle Alpi, nel territorio di Vienne, è stata rilevata l'attestazione di violenze esercitate da parte dei potenti nei confronti di contadini liberi e di *servi* della Chiesa fin dall'età carolingia[70]. Nel secolo XI nella Borgogna meridionale, in Provenza e in Linguadoca i signori di banno divennero più esigenti nella richiesta dell'albergaria, considerata dai contadini liberi una *mauvaise coutume*[71]. Nell'Italia settentrionale dal secolo XI in poi le cattive consuetudini vennero spesso richiamate dalle comunità rurali con riferimento a eccessivi prelievi signorili e davano così adito a vertenze, che per lo più si risolvevano con la concessione onerosa di carte di franchigia da parte dei signori, i quali fissavano per iscritto tali oneri, stabilivano un riscatto dei tributi con pagamenti, *una tantum* o a rate, da parte delle comunità, autorizzavano i *rustici* a utilizzare incolti signorili e terre comuni. Erano quindi, di norma, vertenze attinenti a imposizioni di natura economica. E del resto le carte di franchigia signorili rientrano nella stessa categoria degli atti di affrancazione comunale, che come abbiamo già osservato non sono manumissioni, bensì atti politici di abolizione di diritti e tributi signorili a favore di comunità che venivano sottoposte alla giurisdizione cittadina promotrice dell'iniziativa e che talvolta venivano temporaneamente esentate dal pagamento del fodro riscosso dalla città dominante[72].

Per quanto riguarda il vocabolario utilizzato dai giuristi bassomedievali, si può osservare che questo trova riscontro negli atti pubblici e privati e fa riferimento ai

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67 A.I. GALLETTI, *Evoluzione dei rapporti di dipendenza nel XIII secolo: il caso dell'affrancazione di Casalina*, in "Benedictina", 19, 1972, pp. 289-317.

68 Un altro esempio che possiamo citare è l'atto di liberazione degli abitanti del castello di Laurens, nella bassa Linguadoca. Nel 1270 quarantotto abitanti del luogo vennero liberati (*manumissio*) dalla condizione ereditaria di "hominisco et nexu colonarie et servilis conditione": uno *status* di servaggio evidentemente creato in tempi non troppo remoti, visti i richiami diretti al diritto giustinianeo studiato dai glossatori del secolo XII. Contestualmente essi vennero anche "affrancati" dal pagamento della *questa* e da diversi altri tributi e servizi signorili. Manumissione e affrancazione furono pagati da quegli uomini con l'esborso della somma considerevole di ben 60 lire di Tours. Da quel momento in poi essi sarebbero diventati liberi dipendenti degli antichi signori, con l'obbligo di versare canoni e tributi per la terra ottenuta in locazione a tempo indeterminato: M. BOURIN DERRUAU, *Villages médiévaux en Bas-Languedoc. Genèse d'une sociabilité (Xe-XIVe siècle)*, Paris 1987, pp. 238 s., 251 s.

69 Cfr. nota 131 ss.

70 N. CARRIER, *Les usages de la servitude*, cit., p. 125 ss.; G. TABACCO, *I liberi del re nell'Italia carolingia e postcarolingia*, Spoleto 1966, p. 67 ss.

71 É. MAGNOU NORTIER, *Les mauvaises coutumes en Auvergne, Bourgogne méridionale, Languedoc et Provence au XIe siècle*, in *Structures féodales et féodalisme dans l'Occident méditerranéen*, Roma 1980, pp. 135-172.

72 R. MARIOTTE-LÖBER, *Ville et seigneurie. Les chartes de franchises des comtes de Savoie. Fin XIIe siècle-1343*, Annecy-Genève 1973, p. 108 ss.; F. PANERO, *Consuetudini, carte di franchigia e statuti delle comunità rurali liguri, piemontesi e valdostane nei secoli XI-XV*, in *Le comunità rurali e i loro statuti*, a c. di A. CORTONESI, F. VIOLA, "Rivista Storica del Lazio", 21-22, 2005-2006, I, pp. 29-55). Cfr. anche G. DAVID-BRINGE, *Les chartes de franchises du comté de Bourgogne au Moyen Âge et la notion de "nouveau servage"*, in *Nouveaux servages et sociétés en Europe*, cit., pp. 113-132.

termini classici (*servitus, manumissio, liber homo, libertus, servus, ancilla, mancipia* ecc.) solo per indicare la contrapposizione fra le condizioni generali di liberi, liberti e *servi*, mentre a partire dalla prima metà del secolo XII si diffondevano i nuovi vocaboli del servaggio sia nella contrattualistica agraria delle regioni del Centroitalia sia nelle dichiarazioni di asservimento e negli atti di liberazione.

Nella pratica quotidiana la definizione e la graduale diffusione di nuovi legami di subordinazione perpetua, personali e reali, prese dunque l'avvio, come abbiamo detto – in Romagna e in alcune regioni dell'Italia centrale in cui all'inizio del XII secolo era diventata più intensa la mobilità dei contadini tra campagna e città –, dallo *status* di dipendenza libera di alcuni gruppi di *rustici, homines, massarii*, spesso proprio nel momento in cui essi ricevevano terre in concessione perpetua e quindi stavano conseguendo vantaggi economici per la propria famiglia; in quel momento la loro libertà e quella dei loro eredi veniva invece limitata – al fine di rendere più stabile di quanto non fosse stato fino ad allora possibile il lavoro della famiglia contadina sulla terra data in concessione – attraverso clausole pattizie iugulatorie relative all'esercizio dei diritti civili (sostanzialmente con l'imposizione di vincoli perpetui alla giurisdizione padronale e con la limitazione alla scelta della residenza), un po' come la condizione di gruppi diversificati di *coloni-ascripticii* tardoantichi aveva trovato una sua graduale precisazione procedendo non da un miglioramento della condizione degli schiavi, bensì da un grave peggioramento dello *status* dei coloni liberi dei primi secoli dell'impero, ai quali diverse leggi, per gradi e per ragioni essenzialmente fiscali, avevano allora limitato la libertà personale, fra cui quella di scegliere il luogo di residenza[73].

Così, come ha rilevato Paul Freedman per la Catalogna e per il Roussillon[74], anche nell'Italia centrale (qui prima ancora, in realtà) il vocabolario dei giuristi venne adattato alle esigenze locali, per precisarne i caratteri, ma al tempo stesso nuove condizioni di dipendenza orientate verso il servaggio vennero create spesso – attraverso patti scritti, promesse e dichiarazioni da parte dei *rustici*, ma talvolta anche attraverso la violenza signorile ai danni di famiglie isolate dalla comunità rurale e di gruppi contadini più deboli – proprio grazie all'applicazione di disposizioni normative e formule tratte dal diritto giustinianeo e offerte dai giuristi dei secoli XII e XIII ai grandi proprietari fondiari, protesi a consolidare, su basi pattizie, i legami di dipendenza in un periodo in cui la mobilità contadina e l'abbandono di terre poco produttive si erano vigorosamente accentuati[75].

È, d'altro canto, plausibile che nel valutare i vantaggi economici della concessione fondiaria a tempo indeterminato molti contadini ritenessero non eccessivamente oneroso l'impegno a risiedere sul fondo agricolo, assunto per sé e per i propri eredi, dal momento che invece canoni e servizi erano quantitativamente

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[73] J.-M. CARRIÉ, *"Colonato del basso Impero": la resistenza del mito*, in *Terre, proprietari e contadini dell'Impero romano. Dall'affitto agrario al colonato tardoantico*, Roma 1997, pp. 75-150.

[74] P. FREEDMAN, *Servitude in Roussillon*, in "Mélanges de l'École Française de Rome-Moyen Âge", 112/2, 2000, pp. 867-882.

[75] Cfr. R. AUBENAS, *Incoscience de juristes ou pédantisme malfaisant? Un chapitre d'histoire juridico-sociale*, in "Revue historique du droit français et étranger", 56, 1978, pp. 215-252, e le osservazioni, in parte critiche, di A. GOURON, *Liberté, servage et glossateurs*, in "Recueil de mémoires et travaux publiés par la Société d'histoire du droit et des institutions des anciens pays de droit écrit", 11, 1980, pp. 41-51.

assimilabili a quelli tradizionali. Considerazioni in parte simili favorirono la diffusione e la persistenza nel tempo dei rapporti di dipendenza dei *remenças* catalani, dove l'eredità del manso passava a uno solo dei figli, che quindi, ancorché legato alla terra che coltivava, veniva a trovarsi in condizioni economiche più favorevoli rispetto a quelle dei fratelli che diventavano spesso dei salariati o dovevano trovare un'altra sistemazione fuori dal manso familiare[76]. D'altro canto, come rilevava Accursio, i coloni-ascrittizi, pur diventando *servi* per i propri padroni, continuavano a essere considerati liberi nei confronti di terzi[77].

Tra i casi regionali che si possono richiamare per l'Italia centrale e per l'Emilia-Romagna (la sola regione dell'Italia settentrionale insieme ad alcune frange territoriali della Liguria orientale/lunigianense a registrare la presenza di *coloni*-ascrittizi-manenti) si possono ricordare gli ascrittizi pisani, già ricordati nella normativa comunale della seconda metà del secolo XII[78], i *villani* del territorio senese (gradualmente liberati dal comune di Siena attraverso una serie di statuti che li autorizzarono progressivamente a inurbarsi)[79] oppure gli *homines alterius* di Assisi, liberati dal comune all'inizio del Duecento o, ancora, i *coloni* del Mugello, riscattati dal comune di Firenze nel 1289-90 e i *manentes* bolognesi, oggetto di norme legislative del comune di Bologna all'inizio del Trecento[80]. Su questi ultimi è opportuno però soffermarsi brevemente.

Nel territorio bolognese tra la fine del secolo XII e l'inizio del XIII sono documentati sia *servi* e *ancillae* di tradizione altomedievale, sia *homines de maxinata* di *status* servile recente, sia ancora condizioni di manenza originatesi da patti agrari implicanti l'ingresso di contadini liberi in una dipendenza ereditaria che prevedeva legami alla terra ottenuta in locazione perpetua (come quella relativa agli ascrittizi tardoantichi). Un impulso notevole alla crescita del numero di *servi* a Bologna e nel suo territorio fu però determinato da una norma statutaria approvata all'inizio del Duecento, come si è detto[81]. Cambiando, alla metà del secolo, la composizione del governo comunale, si ritenne opportuno liberare previo pagamento di un riscatto, come è ben noto, circa seimila individui di condizione servile (*servi* e *ancillae*: è significativa, a proposito del pagamento del riscatto ai *domini*, l'utilizzazione dei vocaboli classici e non del termine *maxinatae*, che poteva sottintendere anche la dipendenza di liberi legati da un atto di *commendatio* alla famiglia signorile) – pari a

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[76] Cfr. nota 141.

[77] Per il richiamo ad Accursio cfr. CONTE, *Servi medievali*, cit., p. 62 s. Lo stesso concetto di "relatività" del servaggio villanale/ascrittizio è espresso da Bracton per l'Inghilterra del secolo XIII: P.R. HYAMS, *King, Lords and Peasants in Medieval England: the Common Law of Villeinage in the Twelfth and Thirteenth Centuries*, Oxford 1980, p. 92.

[78] *I Costituti delle legge e dell'uso di Pisa (sec. XII)*, cit., p. 284 s., rubr. XLI (=XLII), nota d.

[79] P. CAMMAROSANO, *Le campagne senesi dalla fine del secolo XII agli inizi del Trecento: dinamica interna e forme del dominio cittadino*, in *Contadini e proprietari nella Toscana moderna*, Firenze 1979, pp. 161-219.

[80] F. PANERO, *Schiavi, servi e villani*, cit., pp. 281-295. L'atto vercellese del 1243 contempla invece un'affrancazione collettiva di rustici personalmente liberi, sottratti dal comune di Vercelli alla giurisdizione signorile per essere sottoposti all'esclusiva giurisdizione cittadina (*Ibid.*, p. 284 ss.).

[81] IDEM, *Persistenze della servitù*, cit., p. 764: all'inizio del Duecento la popolazione servile residente nel contado e nella città di Bologna si può stimare in un migliaio di individui, pari al 2% circa della popolazione complessiva. Per la norma statutaria richiamata cfr. nota 55.

circa il 7/8% della popolazione residente in città e nel contado – per trasformarli in contribuenti del comune[82].

Dopo la manumissione collettiva dei *servi* del 1256-57, il comune deliberò che non si potessero creare nuovi rapporti servili o di manenza ascrittizia, che avrebbero rappresentato per la città di Bologna un *vulnus* nel quadro giurisdizionale del territorio comunale; per questo venivano comminati agli inadempienti pene molto severe, come il taglio della lingua, di una mano e di un piede per il dipendente e una multa di mille lire al proprietario. In questo modo si mirava a portare verso un progressivo esaurimento i patti relativi alla *condicio colonaria* esistenti. Tuttavia il comune dovette ancora intervenire nel 1304 per abolire tutti quei patti che erano stati stipulati contro la legge negli ultimi venticinque anni, cioè nel periodo dei contrasti tra le fazioni urbane[83]. Il caso bolognese consente così di attribuire alla definizione del servaggio bassomedievale caratteri compositi, che però non mi sembra possibile rilevare per altre regioni italiane con la stessa chiarezza, probabilmente perché altrove il nuovo servaggio aveva fondamentalmente una caratterizzazione agraria, una connotazione che già Pietro Vaccari all'inizio del Novecento definiva servaggio *de re*, quantunque poi segnalasse anche l'esistenza di legami di natura personale, che sono innegabili, ma non così estesi come lo studioso riteneva (anche in una prospettiva di continuità con l'alto medioevo, che invece la documentazione non consente di sostenere)[84].

Tra le conclusioni che si possono trarre dall'analisi di questi casi regionali e locali, va evidenziato il fatto che all'origine del servaggio bassomedievale si collocano per lo più patti agrari, scritti e orali, stipulati nei secoli XII-XIV da rustici liberi, molto spesso con signori fondiari che attraverso questi strumenti giuridici potevano legittimare la subordinazione ereditaria di alcuni gruppi di contadini sottraendoli al controllo delle signorie territoriali e dei comuni urbani, anche nell'ottica di una gestione economica più razionale della proprietà. È questo l'aspetto comune a diverse realtà regionali, anche se non l'unico, dal momento che queste forme di asservimento non caratterizzano tutte le regioni italiane e che il ricorso a masnade servili per il servizio domestico e per la difesa del signore risponde ad altre logiche. Quindi l'idea caldeggiata da alcuni studiosi, secondo i quali la signoria di banno, tra X e XII secolo, avrebbe gradualmente livellato verso un nuovo tipo di dipendenza servile *servi* di ascendenza carolingia, massari liberi e livellari non trova riscontro nelle fonti né per quanto riguarda la continuità di questo ipotetico processo storico in età postcarolingia, né sul piano quantitativo, dal momento che solo una piccola minoranza di contadini liberi dell'Italia centro-settentrionale negli ultimi secoli del medioevo cadde nella condizione di non-libertà.

Oltretutto, nell'Italia settentrionale vi sono regioni dove il servaggio villanale/ascrittizio non è documentato. Ancora una volta si tratta dell'Italia di tradizione longobardo/carolingia, dove la pattuizione agraria a tempo indeterminato

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[82] *Il "Liber Paradisus"*, cit., pp. 1-95.

[83] *Statuti del popolo di Bologna del secolo XIII. Gli ordinamenti sacrati e sacratissimi*, cit., p. 53 s.; *Statuti di Bologna dell'anno 1288*, cit., I, p. 302 ss., rubr. 11. Cfr. A.I. PINI, *La politica demografica ad elastico,* cit., p. 129 ss.; P. VACCARI, *L'affrancazione ... nell'Emilia* , cit., p. 102 ss.

[84] *Ibid.*, pp. 36 ss., 63 ss.

(investiture *ad fictum*, contratti di livello, scritture enfiteutiche) prosegue nel solco degli usi che si consolidano nel corso del secolo XI e nella prima metà del XII, mentre soprattutto dal Duecento in poi si vanno diffondendo patti a breve termine e contratti di tipo mezzadrile. Non vanno sottovalutati, in questo processo di continuità con le forme di subordinazione tradizionali, sia il ritardo della diffusione della normativa romanistica messa in luce dai glossatori e adattata dai giuristi pratici alle esigenze dei grandi proprietari, sia la funzione politica esercitata molto presto dai comuni nell'arginare i tentativi di diffusione dei nuovi rapporti di colonato[85]. Certamente anche i comuni dell'Italia centrale cercarono di contrastare le iniziative signorili che portarono al nuovo servaggio, come abbiamo detto, ma la forza del diritto postirneriano offriva strumenti molto più efficaci del *Liber Papiensis* e delle consuetudini agrarie dell'Italia settentrionale. Così – a parte il comune di Pisa che intervenne sin dalla fine del secolo XII per impedire ai proprietari di considerare indebitamente ascrittizi i propri contadini dipendenti liberi[86] – solo la statuizione più matura di città come Assisi, Perugia, Bologna, Ravenna, Rimini, Reggio, Parma, Modena, Firenze, Pistoia e Siena nel corso del Duecento e in particolare durante i governi di popolo, riuscì a ostacolare la contrattualistica relativa ai patti di manenza ascrittizia e infine a vietare, fra la seconda metà del secolo XIII e nel corso del XIV, l'accensione di nuovi patti, che portavano alla diffusione del servaggio agrario e sminuivano l'autorità dei comuni urbani[87].

3. Confronti con il villanaggio del regno normanno-svevo e con alcune aree della Francia e della Spagna

L'Italia meridionale

In parte diversa è la situazione dell'Italia meridionale, dove sotto la dominazione normanna nel corso del secolo XI la diminuzione del numero di *servi* rurali è accompagnata sul Continente da attestazioni crescenti di *tributarii* e *affidati* soggetti a bannalità signorili e a tributi di tipo pubblico[88]. In particolare gli *affidati* della Capitanata o della Terra di Bari erano uomini liberi che si erano stabiliti sotto la protezione di un signore: versandogli un censo erano per il resto esonerati da ogni prestazione pubblica[89]. Nel secolo XII gli *affidati* si distinguevano sia dai *villani* leccesi o siciliani coevi, sia dai *franci homines*, che erano stati affrancati da determinati oneri signorili. Fra queste tre categorie di dipendenti solo i *villani* nei documenti di età normanna sono spesso oggetto di donazione e appaiono quasi sempre vincolati

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[85] Solo alcune località delle Alpi occidentali, comprese nei domìni delfinali subalpini, come la Val Chisone, nel secolo XIII registrano la presenza di *homines ligii*, equiparabili agli *homines alterius*: cfr. nota 125.

[86] F. PANERO, *Schiavi, servi e* homines alterius, cit., p. 954 s.

[87] *Ibid.*, p. 955 ss. È evidente che si tratta dei comuni urbani delle sole regioni in cui si diffondono i nuovi patti di *adscriptio terrae*, di manenza ascrittizia e di *hominitia*.

[88] J.-M. MARTIN, *La Pouille*, cit., pp. 308-315.

[89] *Ibid.*, pp. 314-318.

alla grande proprietà come i *coloni* tardoantichi[90], ma talvolta nei documenti siciliani di età normanno-sveva si distinguono i *villani angararii* "intuitu persone", legati alla terra, dai *villani simpliciter*, che la legislazione regia difendeva dagli abusi signorili e favoriva nell'insediamento libero e nell'assunzione di terre in concessione, in quanto contribuenti pubblici[91].

L'assimilazione dei *villani intuitu persone* agli *ascripticii* del *Corpus Iuris* è stata talvolta interpretata come un segno di continuità con il mondo contadino tardoantico. In realtà la complessità dei rapporti di dipendenza nell'Italia meridionale era già stata rilevata da F. Chalandon all'inizio del Novecento: egli infatti aveva osservato che al Sud sono riscontrabili forme di servaggio villanale sia presso i Greci, sia presso i gruppi musulmani e lombardi sottomessi dai Normanni[92].

Nella Sicilia del secolo XII, tuttavia, erano soprattutto i Musulmani a trovarsi in condizione di servaggio. Infatti nelle *platee*, che registravano i borghesi e i *villani* obbligati all'*incolatum*, sono elencati molti *agareni*, tanto che quest'ultimo termine è spesso sinonimo di *villani*[93]. Dobbiamo quindi ritenere che nuove forme di servaggio in Sicilia si sviluppassero per lo più in occasione della conquista normanna dell'isola, anche perché già nella seconda metà del secolo XI appaiono le prime attestazioni di *villani* e comincia a essere documentata la loro registrazione delle *platee*[94].

La riduzione di Musulmani ribelli in stato di dipendenza ereditaria da parte dei Normanni sta dunque verosimilmente alla base delle forme di servaggio che rinsanguano i legami di dipendenza con i non-liberi tra la fine del secolo XI e l'inizio del XII. In questo caso, pertanto, la guerra assumeva un ruolo molto importante nella trasformazione dei vincoli di subordinazione.

D'altro canto, diversamente dall'Italia centrale, per la Sicilia non si può far riferimento, almeno nella fase iniziale, alla contrattualistica agraria per la creazione dei rapporti di nuovo servaggio. Solo in un secondo momento avvenne un'assimilazione dei *villani* alla condizione degli ascrittizi tardoantichi e quindi anche i patti agrari poterono influire sullo sviluppo di tali relazioni: le stesse leggi normanne del secolo XII lo denunciano, quando fanno riferimento ai *servi glebe*, espressione irneriana, come sappiamo, fatta propria dai glossatori e dai giuristi pratici[95]. La "rinascita" e l'applicazione pratica del diritto giustinianeo offriva quindi la possibilità di introdurre nella legislazione normanna dei riferimenti puntuali alla condizione degli *ascripticii*, alla quale era molto facile assimilare quella dei Musulmani sottomessi e ridotti a "villani intuitu persone".

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[90] *Ibid.*, p. 614.

[91] F. BRANDILEONE, *Il diritto romano nelle leggi normanne e sveve del Regno di Sicilia*, Torino 1884, p. 100, ribr. X; p. 138, rubr. 39.

[92] F. CHALANDON, *Histoire de la domination normande*, cit., II, p. 532 s. Cfr. anche A. NIEF, *Conquêtes et reconquêtes médiévales: la Sicile normande est-elle une terre de réduction en servitude généralisée?*, in "Mélanges de l'École Française de Rome-Moyen Âge", 112/2, 2000, pp. 579-607, in partic. p. 597 ss.

[93] I. PERI, *Villani e cavalieri nella Sicilia medievale*, Roma-Bari 1993, p. 30 ss.

[94] *Ibid.*, p. 47 ss.

[95] Cfr. nota 91.

Pur non essendo schiavi, questi *villani* non potevano diventare giudici o notai, né testimoniare contro i signori (conti, baroni, cavalieri); per ricevere gli ordini sacri avevano bisogno del consenso dei loro *domini*, come avveniva per i *servi* altomedievali (i quali dovevano essere manumessi); invece potevano acquistare diritti d'uso su terre in concessione come i contadini dipendenti liberi e come questi ultimi pagavano ai proprietari terrieri canoni e tributi e prestavano opere diversificate da luogo a luogo[96].

Dall'età sveva in poi la corona cominciò ad arginare la diffusione di atti di *commendatio* e dello *status* villanale sulle proprietà dei vassalli regi, pur conservando i diritti del demanio su *burgenses* obbligati all'*incolatum* e *villani* e non esitando, con Federico II, a deportare a Lucera, in Puglia, *villani* e Musulmani ribelli[97]. Pur ritenendosi piuttosto numerosi nel secolo XII e ancora all'inizio del XIII, l'esaurimento del gruppo villanale può dirsi compiuto nel corso del Trecento, quando gli ultimi *villani* si erano ormai confusi con i contadini dipendenti liberi[98].

Tralasciando i possibili raffronti fra villanaggio siciliano e *villeinage* inglese – la cui specificità merita nuovi studi e approfondimenti economico-giuridici, che vadano oltre i consueti riferimenti all'opera di Bracton, come suggerisce anche la relazione di Chris Briggs, il quale ritiene che il servaggio villanale inglese coinvolgesse quasi la metà dei contadini[99] – mi limito ad alcuni confronti fra l'Italia centrale, alcune regioni francesi e la vecchia Catalogna, per la quale sono state presentate nel corso del convegno di Prato le comunicazioni di Lluís To Figueras, Pere Orti Gost e Rosa Lluch Bramon.

La Francia meridionale e centro-orientale

Il servaggio bassomedievale è solitamente ritenuto un elemento "originale" della società rurale dei Pirenei francesi. In quest'area – secondo un'analisi condotta recentemente da Claudine Pailhès – la contea di Foix registra un'ampia diffusione di privilegi relativi a esenzioni fiscali, deleghe sull'amministrazione della bassa giustizia, diritti d'uso collettivi su alpeggi, foreste, acque, riconosciuti dalle *coutumes* locali del secolo XIII. Molti privilegi concernenti la fondazione di *bastides*, oppure diretti a comunità antiche, si inquadrano nel processo di affermazione dei conti di Foix in

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[96] I. PERI, *Villani e cavalieri*, cit., pp. 18-20.

[97] *Ibid.*, p. 63 s.

[98] *Ibid.*, p. 83 ss., 104 ss.

[99] Cfr. P.R. HYAMS, *King, Lords and Peasants*, cit. Ma cfr. ora i nuovi spunti di ricerca che emergono dalla relazione di CH. BRIGGS, *English serfdom, c. 1200-c.1350: towards and institutionalist analysis* (in questi stessi atti del Convegno di Prato del 2013). Occorre però osservare che non tutti i villani inglesi – come precisa il giudice della corona Henry of Bracton intorno alla metà del Duecento – erano *glebae ascripticii* o soggetti al *villenagium purum* (quindi legati ereditariamente alla terra), dal momento che molti di loro erano liberi di trasferirsi restituendo al *dominus* le terre in concessione a lungo termine o in locazione temporanea: HENRICI DE BRACTON, *De legibus et consuetudinibus Angliae*, a c. di T. TWISS, Wiesbaden 1964, ristampa dell'edizione di Londra del 1878-1881 ("Rerum Britannicarum Medii Aevi Scriptores", 70), I, I, XI, 1, p. 52; I, II, VIII, 2, pp. 198 ss., 208; III, IV, XXVIII, 5, p. 376 ss.

opposizione ai conti di Tolosa e ai signori di banno laici ed ecclesiastici della regione[100].

Le carte di franchigia concesse dai conti difendono la libertà personale ed economica sia dei residenti nel villaggio o nella *bastide*, sia dei nuovi immigrati, a meno che questi ultimi riconoscano una qualche forma di dipendenza da signori esterni, ai quali però non si dovranno versare più di sei denari tolosani all'anno – per esempio, a Saint-Ybars (1242) – per non sminuire l'autorità dei conti o di altri signori a questi legati. In realtà queste franchigie di per sé non si contrappongono a una situazione di servaggio diffuso, in quanto attengono a sgravi fiscali, all'abolizione di oneri o servizi, alla delimitazione di competenze giurisdizionali dei conti, dei loro vassalli, di signori ecclesiastici legati ai conti o delle stesse comunità[101].

Solo in alcuni casi ben precisi le carte di affrancazione si configurano anche come atti di manumissione rivolti a *homines proprii*, oppure fanno espressamente riferimento alla dipendenza servile ereditaria propriamente detta[102]. È il caso della carta di Montgailhard (1259), dove si precisa che gli *homines proprii* dei conti, fintanto che vorranno abitare nel nuovo insediamento, saranno affrancati dai tributi comitali (*affranquimus*, recita il documento) e saranno manumessi sotto condizione dagli oneri personali di dipendenza ereditaria (*manumittimus*), salvo ritornare allo stato di dipendenza ereditaria precedente qualora intendano abbandonare la "villafranca". Questo deterrente, che con evidenza serviva a garantire il popolamento del nuovo centro, era frutto, nondimeno, di un'ardita interpretazione sul piano giuridico, giustificata da un possibile richiamo alle manumissioni condizionate che, quantunque ormai poco diffuse, continuavano a trovare applicazione in alcune regioni francesi; d'altro canto, in linea invece con le manumissioni piene, si dichiarava che nessun antico signore avrebbe potuto rivendicare come proprio "servo" un immigrato residente nell'abitato[103]. Allo stesso modo la *sauveté* di Lezat del 1299 dichiarava che gli immigrati nel villaggio sarebbero stati difesi da ogni violenza esterna ed esentati da qualsiasi esazione fiscale dovuta nel luogo d'origine, ma

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[100] C. PAILHES, *Le servage dans le comté de Foix*, in *Hommes et terres du Sud, Structures politiques et évolution des sociétés (XIe-XVIIIe siècle)*, a c. di PH. CONTAMINE, Paris 2009, pp. 97-127.

[101] *Ibid.*, p. 100: "Vos et omnis generatio et posteritas vestra atque filii vestri sint franchi et liberi cum omnibus rebus vestris ubicumque fueritis per totam terram nostram, ita quod nobis nec homini pro nobis non faciatis nec respondeatis ab aliquo servitio nec censu nec alia re" (Villanova di Ax, 1241); "omnes habitantes in loco predicto presentes et futuri sint liberi et absoluti et maneant ibi omni tempore cum bona et legali ac continua libertate absque omni censu et usu et servicio" (Saint-Ybars, 1242).

[102] *Ibid.*, p. 109: il nuovo *status* servile – come già avveniva nell'alto medioevo – si trasmetteva per via materna oppure prevaleva nei figli lo stato peggiore dei due genitori.

[103] *Ibid.*, pp. 100, 104: "affranquimus seu manumittimus omnes homines nostros proprios habitantes in dicta villa dum in eadem commorari velint"; e agli antichi signori degli immigrati era vietato catturarli in nome della dipendenza servile entro i limiti del villaggio: *amparare pro aliqua servitute* (Montgailhard, 1259).

sarebbero anche stati immuni da ogni forma di "servitù"[104]. Lo stesso asservimento delle persone era vietato, a meno che l'asservito fosse consenziente[105].

Per poter identificare se una persona era di condizione servile, nella contea di Foix durante i secoli XIII-XIV era necessario appurare se la dipendenza fosse ereditaria e se la persona fosse alienabile (quantunque in questo caso vi potesse essere talvolta l'ambiguità relativa alla cessione di terre e di diritti signorili cui era sottoposta la famiglia contadina)[106]. Meno sicuri per appurare l'esistenza di una condizione di servaggio sono altri elementi suggeriti dalla A., quali l'imposizione di oneri arbitrari e l'impossibilità di alienare i propri beni. In ogni caso, l'espressione "homines de corpore et de casalagio" indica una dipendenza personale e reale, assimilabile a quella servile, come già in passato era stato rilevato da Paul Ourliac e da Monique Bourin[107].

Invece essere *homines* di qualcuno o prestare un *servicium* a favore di un signore, non è segno sicuro di servaggio. Analogamente la prestazione di un *hommage*, se non è esplicitamente espresso l'impegno della dipendenza a carico dei discendenti, non è segno di subordinazione servile, non tanto perché vi siano anche omaggi prestati da nobili, ma soprattutto perché i termini *rustici* oppure *homines* non sono mai sinonimi di *servi* o di *homines proprii* se non c'è la prova della dipendenza ereditaria: quindi l'idea di una contrapposizione fra *nobiles* e *servi*, ipotizzato dall'Autrice, va sicuramente corretta articolandola nella triplice forma della subordinazione servile ereditaria (*homines de corpore*, *homines proprii*, *homines proprii et de casalagio*), della dipendenza dei contadini personalmente liberi (*rustici*, *massarii*, *homines*) e di quella vassallatica (*milites*, *nobiles*). Nemmeno i semplici riferimenti al *mos casalagii*, se non sono collegati con la dipendenza ereditaria, possono essere prova dell'esistenza di forme di servaggio in quanto un atto di investitura per feudo relativo a Lézat, per esempio, fa riferimento anche alla *coutume* del *casalage*[108]. Il termine *franchi* indica poi i contadini esonerati dal pagamento di certi tributi, servizi e donativi o ai quali viene stabilizzata la taglia[109].

Vi sono ancora altre considerazioni che questa ricerca sul Midi francese suggerisce. Sul piano economico non è possibile distinguere nettamente *servi* e contadini liberi attraverso le prestazioni dovute ai signori: entrambi i gruppi, infatti, sostengono l'onere delle albergarie; hanno l'obbligo di prestare opere al castello e sulle terre signorili; sono impegnati nella manutenzione delle strade e del mulino bannale; pagano canoni agrari e donativi in natura, tributi e tasse di vario genere.

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[104] *Ibid.*, p. 100: "omnes habitatores ville, undique venientes causa habitandi infra terminos antedictos sint salvi et securi, liberi et immunes ab omni servitute et quacumque exactione" (Lezat, 1299).

[105] *Ibid.*, p. 101.

[106] *Ibid.*, p. 108.

[107] *Ibid.*, p. 105. Cfr. P. OURLIAC, *Le servage à Toulouse aux XIIe et XIIIe siècles*, in IDEM, *Études d'histoire du droit médiéval*, Paris 1979, I, p. 142 s.; M. BOURIN DERRUAU, *Villages médiévaux*, cit., I, pp. 213 s., 238 s.

[108] C. PAILHÈS, *Le servage*, cit., p. 107: il priore di Montredon "concessit in feudum Bernardo Ferrato et ... fratribus eius et eorum ordinio ad omnes eorum voluntates inde faciendas, more communi casalagii" (i concessionari sono qualificati come *feodotarii*).

[109] *Ibid.*, p. 109 ss. (ma occorre sempre distinguere il manumesso dall'affrancato).

Anche in questa regione francese, l'affrancazione da tali oneri non ha altro significato di quello dell'esonero parziale o totale (che per lo più avviene contro il pagamento di una somma *una tantum*), oppure della stabilizzazione della taglia o di censi di altro tipo. L'esonero dagli stessi tributi e servizi per i *servi* comportava, nelle carte di franchigia, un espresso riferimento alla *manumissio* o alla cancellazione contestuale *de omni servitute*, formule che invece non riguardavano i contadini dipendenti personalmente liberi.

D'altro canto, non è più sostenibile una vecchia ipotesi, già suggerita tra gli altri da Paul Ourliac, secondo il quale fino alla metà del secolo XII i legami dell'uomo alla terra erano del tutto normali: "demeurer près des siens, transmettre son bien à ses enfants, éviter l'aventure paraît à tous les paysans d'une élémentaire sagesse"[110], perché in realtà i patti consuetudinari o contrattuali a tempo indeterminato per la terra ottenuta in locazione rappresentavano in età postcarolingia importanti diritti per i contadini dipendenti (*rustici*) e non costituivano un onere servile; così pure non è ragionevole l'idea di un processo di continuità fra questi patti (intesi impropriamente come segni di un servaggio diffuso) e i contratti di *casalage* del secolo XIII, che sono invece la conseguenza di pattuizioni molto onerose per i contadini, implicanti la perdita della libertà di scelta del proprio domicilio.

Del resto, a fronte di un gruppo servile in declino e scarsamente documentato, solo a partire dalla seconda metà del XIII secolo cominciano a essere attestati nella contea di Foix *homines de corpore et de casalagio* e dai primi anni del Trecento appaiono spesso nei documenti uomini soggetti alla *questa* a volontà dei signori, un tributo paragonabile alla taglia signorile arbitraria: questi stessi uomini sono spesso indicati come *homines corporis et caselagii* e solo un atto di affrancamento oneroso da questo tributo poteva renderli enfiteuti dei signori. È dunque incontestabile nel corso del secolo XIV il processo di diffusione, seppur numericamente limitata, di nuove forme di servaggio "reale e personale", che perdura sino alla metà del Quattrocento, quando tendono a prevalere nettamente i prelievi fiscali di tipo pubblico nei confronti delle comunità, oltre ai prelievi di canoni e servizi per la terra coltivata da uomini liberi.

Anche nel Sud della Franca Contea la servitù di origine altomedievale era in declino tra la fine del secolo XII e l'inizio del XIII, quantunque nei territori più meridionali (per esempio, tra Nyon e Ginevra) persistessero alcune sacche di dipendenti di condizione servile propriamente detta. Nella seconda metà del Duecento – di fronte alla concorrenza dei duchi di Borgogna e all'affermazione territoriale dei conti di Savoia, dei Delfini di Vienne, dei signori del Vaud – alcune signorie ecclesiastiche si orientarono a rinsaldare i rapporti di dipendenza con i propri uomini attraverso pattuizioni orali e contratti scritti che, se erano vantaggiosi per i contadini dal punto di vista economico, fissavano degli oneri precisi relativi alle successioni (*mainmorte*) e alla *taille à merci*. Tali oneri da un lato ricordano alcuni antichi carichi servili e dall'altro poggiano, oltre che su patti che ne definivano l'entità (magari frutto dell'evoluzione di un'effettiva condizione di non-libertà originaria di alcuni gruppi di dipendenti), anche su atti scritti di riconoscimento

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110 *Le servage à Toulouse aux XIIe at XIIIe siècles*, cit., I, pp. 125-144.

della dipendenza ereditaria da parte di contadini liberi che se ne facevano carico: questo secondo aspetto è riconducibile direttamente alla dottrina postirneriana.

Lasciando un terzo dei loro beni mobili ai signori – dopo aver venduto ad altri dipendenti della medesima signoria la terra in concessione a tempo indeterminato – questi vecchi e nuovi "servi" potevano però sciogliere il loro legame di dipendenza ereditaria con il consenso dei *domini*: da questo punto di vista sono molte le analogie con i coloni/ascrittizi dell'area tosco-romagnola e umbra, che a loro volta, per molti aspetti, si avvicinavano ai *remenças* catalani del tardo medioevo, in quanto il riferimento consuetudinario alla rinuncia a un terzo dei beni mobili e la restituzione della terra in concessione perpetua favorivano il percorso verso la loro liberazione dai legami personali assunti.

Ma qual era l'ampiezza di questo gruppo di "nuovi servi"? Dalla documentazione relativa al monastero di Saint-Claude, nella regione alpina a SW del Giura franco-svizzero, studiata recentemente da Vincent Corriol, si evince che quasi la totalità degli *homines* di ventiquattro comunità soggette al monastero (fiscalmente qualificati come *taillables*) nei secoli XIV e XV viveva in una condizione in qualche modo assimilabile al servaggio ereditario. In realtà a queste comunità se ne contrapponevano altrettante, probabilmente più popolose, costituite da borghi abitati da artigiani, commercianti e contadini e da villaggi popolati da *franchi* soggetti al pagamento di un censo (ma anche da vassalli esenti), che sfuggivano a questa realtà in quanto avevano riscattato la taglia arbitraria e l'onere della manomorta, diventando a tutti gli effetti contribuenti liberi dei signori locali[111].

Qual è la genesi di queste forme di dipendenza particolarmente vincolanti per molti contadini? Intanto va ricordato che nel 1184 l'abbazia aveva ottenuto da Federico Barbarossa la protezione imperiale dei propri beni e diritti, insieme con le chiese soggette. Inoltre aveva ricevuto la conferma imperiale a riconoscere la validità dei matrimoni misti celebrati tra i servi del monastero con donne e uomini liberi nel comitato di Nyon e nella diocesi di Ginevra: ciò consentiva all'abbazia di esercitare i diritti di proprietà e di giurisdizione su queste famiglie senza impedimenti e contestazioni da parte dei signori di banno dei coniugi liberi, in quanto la prole era considerata di condizione servile (prevaleva infatti lo stato peggiore dei genitori)[112]. Nei decenni centrali del secolo XIII l'abbazia aveva poi acquistato diritti signorili e creato nuovi legami esclusivi con alcuni gruppi di contadini, almeno in parte discendenti da famiglie di condizione giuridica mista: sono in particolare questi legami a configurarsi come vincoli di tipo servile, dal momento che questi *homines cum heredibus et universo tenemento* attraverso la documentazione scritta della seconda metà del Duecento risultano soggetti a vendite e donazioni[113]. Inoltre molti uomini ligi a partire dall'inizio del Trecento

111 V. CORRIOL, *Les serfs de Saint-Claude. Étude sur la condition servile au Moyen Âge*, Rennes 2009, p. 98 ss.

112 MGH, *Diplomata regum et imperatorum Germaniae*, a c. di F. APPELT, Hannoverae 1975-1990, X/4, p. 128 ss., doc. 884, 16 nov. 1184.

113 V. CORRIOL, *Les serfs de Saint-Claude*, cit., p. 73 ss. Va però precisato che alcuni documenti trattano invece di cessioni di beni e diritti sulla terra coltivata da contadini, che se vengono menzionati negli atti scritti (in quanto su quella stessa terra possono vantare diritti d'uso o il dominio utile) non per questo vanno intesi come "uomini venduti o donati", perché sono i beni fondiari a esserlo.

furono sottoposti – attraverso patti orali e scritti – all'obbligo di residenza sulle terre abbaziali, essendo esclusivamente soggetti alla taglia arbitraria dell'abbazia e non potendo sottomettersi ad altri signori. Anch'essi, qualora avessero voluto emigrare, avrebbero dovuto cedere ad altri dipendenti o agli stessi monaci la terra in concessione perpetua, mentre un terzo dei loro beni mobili sarebbe passato al monastero.

Da un lato queste nuove forme composite di dipendenza, che solo in alcuni casi si configuravano come servaggio[114], presero piede per contrastare i poteri di altre signorie laiche ed ecclesiastiche della regione: infatti il diploma del 1184 di Federico I a favore dell'abbazia di Saint-Claude, pur riconoscendo la diretta dipendenza del cenobio dall'Impero e confermando il possesso di vaste proprietà fondiarie, terre incolte in area montana e numerose chiese, come abbiamo detto, non faceva riferimento alla concessione dell'immunità positiva o del *districtus*[115]; quindi solo lo *status* di *servi* (effettivamente menzionati nel diploma) oppure la creazione di nuovi legami personali ereditari avrebbe potuto *de iure* sottrarre il controllo dei contadini dipendenti dell'abbazia alle signorie di banno di quel territorio. Dall'altro, però, anche le crisi del Trecento possono spiegare parzialmente l'accentuazione dei vincoli di dipendenza e la crescita del gruppo servile propriamente detto. Ciò avvenne tuttavia non tanto attraverso atti di forza da parte dell'abbazia di Saint-Claude, bensì attraverso un verosimile scambio pattizio tra legami personali più vincolanti per i contadini liberi nei confronti dei signori (con un'accentuazione dei legami alla terra abbaziale, la cessione della terza parte dei beni mobili a favore del monastero in caso di emigrazione, il diritto di successione esercitato dal monastero nei confronti dei defunti senza eredi diretti o senza collaterali residenti nella stessa casa) e una contestuale, più ampia possibilità per le singole famiglie di trasmettere in eredità le terre in concessione perpetua in linea diretta o a membri del lignaggio che facevano parte dello stesso "fuoco", di cedere la terra in concessione ad altri dipendenti della signoria[116] e per le comunità rurali di sfruttare gli incolti e i beni

[114] Invece *Ibid.*, pp. 157 ss., 172 ss. è propenso a vedere una notevole diffusione del servaggio a partire dalla seconda metà del Trecento; infatti l'A. intitola il cap. V del volume "Extension et généralisation du statut servile (v. 1350-v. 1420)". In realtà il fatto che in nove contratti agrari (1367-1431) si precisi che in mancanza di eredi diretti, nati da matrimoni legittimi, la terra in concessione debba ritornare all'abbazia è semplicemente una clausola di garanzia per il monastero, che così si assicura il recupero della terra data in locazione a tempo indeterminato con l'estinzione del nucleo familiare contadino; quindi la clausola non può essere interpretata come segno dell' "incapacità del servo di disporre liberamente dei suoi beni", anche perché in questi nove casi si tratta, senza ombra di dubbio, di contadini liberi.

[115] Cfr. nota 112. Infatti l'autonomia giurisdizionale dell'abbazia, con possibilità per i dipendenti di appellare unicamente davanti all'imperatore, venne concessa solo con un diploma di Carlo IV del 1360: V. CORRIOL, *Les serfs de Saint-Claude*, cit., p. 161.

[116] Fino al 1484 non si fa riferimento a un obbligo di rinunciare alle terre in concessione da parte degli emigranti: queste potevano essere tenute dall'affrancato oppure vendute ad altri dipendenti del monastero di Saint-Claude (purché gli acquirenti dei diritti d'uso sulla terra in concessione fossero *homines manus mortue* e non *franchi*). Dal 1484 si prevede invece che l'affrancato emigrante debba vendere ad altri dipendenti la terra in concessione entro un anno e un giorno, pena la devoluzione della stessa al signore:, *Ibid.*, cit., p. 277 ss.

comunitari per concessione signorile, mentre borghi e città stavano cercando di recuperare la loro centralità nel territorio dopo decenni di recessione economica.

La scomparsa del gruppo di dipendenti "non-liberi" nel quadro della signoria fondiaria è diluita invece nel lungo periodo, compreso tra l'inizio del Cinquecento e la Rivoluzione francese quando, a seguito di contrasti sociali e atti di affrancazione, la taglia arbitraria e la manomorta vennero progressivamente abolite anche nella Franca Contea. In realtà, indipendentemente dagli atti di affrancazione e di manumissione, come esplicitano diversi patti scritti, il pur stretto legame di dipendenza, come abbiamo visto, si poteva interrompere vendendo le terre in concessione ad altri dipendenti di pari condizione o restituendo le stesse ai grandi proprietari/signori e lasciando ai medesimi un terzo dei beni mobili accumulati. In altre parole, il "servaggio" tardomedievale nella Franca Contea aveva un carattere prevalentemente economico-fiscale, mentre la connotazione dello *status* giuridico dei dipendenti – ben ricostruibile come "dipendenza ereditaria" però soltanto per alcuni di loro – per la maggior parte dei contadini era solo indirettamente definita dall'imposizione della taglia arbitraria, dalla manomorta e dai prelievi connessi alla rinuncia delle terre a favore dei signori. Ma a ben guardare, il diritto dei signori di recuperare le terre date in concessione a tempo indeterminato e i beni mobili, qualora non vi fossero eredi diretti – diritto definito appunto "manomorta" nel linguaggio della documentazione di Saint-Claude e di altre signorie della Franca Contea, della Savoia e del Delfinato –, valeva a conservare il dominio dei signori sulle terre in concessione e a impedire che queste passassero automaticamente ai collaterali del defunto che non facevano parte dello stesso nucleo familiare o ad altri contadini affrancati o borghesi e non va confuso con il diritto che i proprietari avevano su una parte dei beni mobili dei *servi* propriamente detti, prelevati, in particolare nell'alto medioevo, a ogni decesso degli stessi[117].

Tutto ciò non esclude che talvolta ancora in atti scritti della fine del Trecento un contadino libero, avendo necessità di reperire terre da coltivare, potesse assumere attraverso il medesimo contratto agrario, con il quale venivano allogate le terre, l'impegno per sé e i propri eredi a diventare *homo talliabilis ac serve conditionis et manus mortue*: in quanto tale, quest'ultimo avrebbe eventualmente potuto essere liberato soltanto attraverso un puntuale atto di manumissione – ben diverso dalle carte di franchigia e di borghesia, ripetiamolo – poiché il vincolo di dipendenza era questa volta legittimato da un vero e proprio atto di asservimento e rientrava nella stessa tipologia di subordinazione dei discendenti di quei *servi* che sono ricordati nel diploma del 1184[118].

Nel Delfinato, come emerge dagli studi di Nicolas Carrier, il servaggio bassomedievale si differenzia almeno in parte dal *servage* del secolo IX. Per esempio,

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[117] N. CARRIER, *Les usages de la servitude*, cit., p. 316 ss.; P. PETOT, *L'origine de la mainmorte servile*, in "Revue historique de droit français et étranger", IV s., 19-20 (1940-41), pp. 275-309.

[118] V. CORRIOL, *Les serfs de Saint-Claude*, cit., pp. 132 s., 229 ss., 360 ss. Per il periodo 1376-1520 sono conservati 116 atti di manumissione personale e/o di affrancazione dal pagamento della taglia e della manomorta (definiti dall'A. "actes d'affranchissement individuel"), quasi tutti riprodotti nei "Libri di borghesia" della comunità di Saint-Claude, dove i contadini erano stati accolti come "burgenses".

il diritto acquisito dai *servi* del vescovo di Losanna di sfruttare beni collettivi e quelli di altri signori borgognoni di adire il placito pubblico vescovile fin dal secolo X è segno inequivocabile di trasformazioni continue della condizione sociale e giuridica dei "non-liberi" rispetto all'età carolingia, in un quadro "antimutazionista"[119]. In pochissimi casi (tre su un'ottantina) sembrano essere equiparati ai *mancipia* anche *accolae*, *aldii* e *coloni*, ma come si è già rilevato per l'Italia settentrionale ciò fu possibile proprio perché i *servi* avevano acquisito diritti che non avevano ancora in età carolingia, mentre *aldii* e *coloni* godevano solo di una libertà condizionata. Confusi talvolta con i liberi *tenanciers* – i quali però non scompaiono mai dalla documentazione, poiché *homines*, *agricolae*, *rusticani*, *franci*, *liberi/ae* sono vocaboli che consentono una netta e concreta distinzione giuridica dai *servi et ancillae*, come ha rilevato puntualmente Elisabeth Magnou-Nortier proprio guardando alla documentazione delle regioni francesi[120], e non rappresentano soltanto una differenza nominale, come invece l'A. ipotizza[121] –, i dipendenti di condizione servile propriamente detta dal secolo XIII in poi sono spesso caratterizzati dal fatto di aver prestato al signore un giuramento di fedeltà ligia perpetua, che li rende così suoi *homines proprii* o *homines ligii et talliabiles ad misericordiam*, contrapposti agli *homines* e agli *homines franci* e a quei *milites* che avevano prestato un omaggio ligio nobiliare[122].

La condizione ereditaria di molti uomini ligi del tardo medioevo – seppur sottoposti a carichi diversificati – è sufficiente per considerarli dei servi, tanto più se sono soggetti alla taglia arbitraria, mentre la somiglianza con gli *homines proprii* del secolo XII induce Carrier a parlare di un nuovo *visage* per il servaggio già ben delineato nel secolo precedente perché in realtà la finalità perseguita da molte signorie locali era la medesima, ossia quella di imporre una giurisdizione esclusiva

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[119] N. CARRIER, *Les usages de la servitude*, cit., pp. 122, 130.

[120] Cfr. nota 9.

[121] N. CARRIER, *Les usages de la servitude*, cit., p. 133 ss., 142 (sull'ambiguità del termine *mancipia*, che poteva anche indicare genericamente tutti i dipendenti, servi e liberi; ma non altrettanto – come invece ritiene l'A. – si può affermare per *servi*, vocabolo molto spesso contrapposto a *franci*, *liberti* e *ingenui*), 151 ss. (dove, con un eccesso interpretativo, si ipotizza che i capifamiglia citati in alcuni documenti come possessori di mansi siano *servi*, nonostante nei medesimi atti i *servi* propriamente detti siano citati in modo distinto, proprio per rimarcare la condizione giuridica differenziata dei dipendenti), 154 ss. (qui i documenti citati consentono di distinguere nettamente le cessioni/donazioni di uomini di condizione servile dalle donazioni di terre e di diritti signorili su uomini, che non essendo donati/ceduti espressamente né qualificati come servi, sono chiaramente coltivatori dipendenti liberi), 156 (*mancipia* e *servi* sono termini dalla forte connotazione giuridica, che non possono, come invece l'A. ritiene, essere intercambiabili con *homines*, se per questi ultimi non è desumibile dal contesto documentario la condizione servile), 161 s. (è vero che il *servage* si modella sullo statuto economico-giuridico e sociale del *serf* postcarolingio, come afferma l'A., ma un'esegesi corretta della documentazione permette di rilevare costantemente ancora dopo il secolo X e per tutto il medioevo la persistenza di liberi *tenanciers*; infatti quando nel 1124 e nel 1156 il conte e il vescovo di Ginevra regolano i loro diritti nei confronti di preti e diaconi che detengono terre in concessione dal conte, viene evidenziata la differenza tra i *servi* del conte – che essendo stati ordinati dal vescovo devono essere resi uomini liberi – e gli ecclesiastici che non sono servi del conte, ma per le terre in concessione prestano servizi al signore laico: p. 170 sgg).

[122] *Ibid.*, p. 197 ss.

su gruppi di dipendenti sottratti alle bannalità dei signori territoriali[123]. Le numerose cessioni, fra signori di diversa importanza, di dipendenti di condizione servile, essendo menzionati anche i loro discendenti (da non confondere però, come si è detto, con le cessioni di diritti su dipendenti liberi), dà dunque la misura della consistenza numerica notevole di uomini in condizione di servaggio tra Delfinato e Savoia a partire dal secolo XIII[124]. Del resto, come si evince da un'inchiesta signorile del 1265, in alcune località del Delfinato l'immigrato che dopo un anno e un giorno non avesse prestato omaggio a un signore sarebbe stato considerato uomo ligio dei conti e in quanto tale avrebbe potuto emigrare soltanto dopo aver ottenuto un atto di liberazione[125].

Contrapposti agli uomini ligi, dipendenti ereditari di tanti signori, sono comunque documentati, nei secoli XIII e XIV, i liberi *tenanciers* detentori di terre in concessione: per rimarcare la libertà di questi dipendenti veniva spesso utilizzata la locuzione *homines de feudo*, intendendosi per tale non il feudo onorifico attribuito ai *milites*, bensì la terra data in locazione a tempo indeterminato a titolo oneroso[126].

Nel Vaud gli uomini soggetti alla giurisdizione dei conti di Savoia erano definiti *homines* per il 90% e *homines ligii* per il resto. Invece in Savoia la situazione risulta capovolta; ma, si badi, non tutti i residenti nelle varie località del dominio erano *districtabiles* dei conti, né tutti gli uomini ligi in Savoia erano di condizione servile[127]. E nello stesso Delfinato talvolta nelle inchieste della metà del Duecento, per evidenziare che tutti i residenti erano sottoposti alla giurisdizione comitale, con esclusione di ogni altro signore o vassallo, gli *homines* erano qualificati come uomini

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[123] *Ibid.*, p. 200 ss. (per l'analisi delle varie posizioni storiografiche). L'A. è propenso a vedere una continuità tra il *servage* del sec. XIII con quello dei secc. X-XII per via dell'equiparazione degli uomini ligi agli *homines proprii* (p. 210 ss.); in realtà è possibile parlare di "nuovo servaggio", come per l'Italia e la Catalogna, a condizione che la cesura cronologica si ponga nella prima metà del sec. XII quando il formalismo giuridico postirneriano consente effettivamente la diffusione di nuove forme di asservimento da parte di uomini liberi, che si moltiplicano poi nel sec. XIII, anche con un rinnovamento del vocabolario usato da scribi e notai. Va in ogni caso riconosciuto all'A. il merito di aver rilevato con chiarezza che il primo livello di giurisdizione era quello dei proprietari di uomini: per questo soprattutto le signorie più piccole – ma per reazione anche le signorie territoriali – cercavano di avere giuramenti di fedeltà perpetua/ereditaria dai propri *homines*, proprio nel momento in cui (in particolare tra la seconda metà del secolo XIII e l'inizio del XIV) comuni urbani e borghi affrancati stavano accrescendo la loro capacità di attrarre uomini dal territorio (p. 286 ss.).

[124] *Ibid.*, p. 205 ss.

[125] *Ibid.*, p. 226 ss.

[126] *Ibid.*, p. 208 s. In quest'ultimo caso, sono molte le analogie con quei manenti della Lunigiana, che dopo aver ottenuto la liberazione dalla condizione di servaggio villanale, coltivavano come dipendenti liberi terre degli antichi signori sulla base di un contratto di concessione *per feudum*: cfr. *Il Regesto del Codice Pelavicino*, a c. di M. LUPO GENTILE, Genova 1912, p. 220 ss.

[127] Le dichiarazioni dei dipendenti sabaudi sono edite da M. CHIAUDANO, *La finanza sabauda nel secolo XIII*, 3, *Le "Extente" e altri documenti del Dominio (1205-1306)*, Torino 1937. Per N. CARRIER, *Les usages de la servitude*, cit., non vi sarebbero distinzioni sostanziali tra *homines* e *homines ligii* (p. 220), distinzioni che invece, soprattutto in Savoia, sono nette nelle fonti analizzate e che, se trascurate, inducono ad erronee interpretazioni (come del resto ammette lo stesso Carrier: IDEM, *Les origines d'un "nouveau servage" en Savoie d'après les enquêtes princières du XIIIe siècle*, in *Nouveaux servages et société en Europe*, cit., pp. 67-94, in partic. p. 77 ss.).

ligi, salvo poi ricorrere alle distinzioni giuridiche tradizionali in altri documenti (per esempio, in alcuni atti della prima metà del XIV secolo)[128].

Come nella Franca Contea, anche per queste regioni la taglia arbitraria che gravava sui dipendenti e i diritti signorili di manomorta finirono per essere spesso considerati dalla metà del Duecento, a ragione o torto, come un segno della dipendenza servile e solo con la loro graduale abolizione – a seguito di pagamenti *una tantum* o a rate da parte delle comunità, ma anche con disposizioni legislative, come quella del delfino Umberto II nel 1349 o quella di Amedeo VIII, nel 1430, per limitare i diritti signorili di manomorta sulle terre in concessione[129] – o con la loro trasformazione in tributi stabili, fra tardo medioevo ed età moderna fu ripristinato il diritto per tutti i dipendenti rurali di essere considerati sudditi liberi, sottoposti alla giurisdizione pubblica dei conti/duchi di Savoia o del re di Francia (essendo il Delfinato passato alla corona alla metà del Trecento)[130].

La Catalogna

Secondo Pierre Bonnassie, il mondo contadino della Vecchia Catalogna fino al Mille sarebbe stato caratterizzato da una folta presenza di allodieri. Solo con il consolidamento della signoria di banno e dell'incastellamento, la richiesta di protezione ai castellani da parte dei contadini liberi sarebbe stata accompagnata dall'imposizione di *mals usos*, inizialmente senza un preciso fondamento giuridico, ma derivanti essenzialmente da esazioni arbitrarie, che però alla metà del secolo XII avrebbero portato alla nascita della *pagesia de remença* e in seguito a una definizione giuridica della dipendenza. Bonnassie in uno dei suoi ultimi lavori, partendo dall'analisi di due contratti agrari del 1090 e del 1123 relativi a un medesimo manso, e procedendo poi al confronto con altri patti del secolo XII, osservava che nel 1090 gli oneri imposti ai contadini erano solo di natura economica e la contrattualistica agraria riservava ai signori il diritto di affidare il manso a tempo indeterminato a uno solo dei figli che ereditavano dal concessionario. Invece durante il secolo XII e in quelli successivi i concessionari del manso s'impegnavano espressamente, per sé e per i figli a diventare *homines solidi* del signore – vale a dire solo suoi dipendenti, con esclusione di altri rapporti di subordinazione, pena la perdita del manso – e, sempre più spesso nel corso del Duecento, a non abbandonare il manso senza il consenso signorile (in concomitanza con la progressiva applicazione dell'antica normativa giustinianea adattata alla nuova realtà della società contadina, inquadrata nelle varie forme concorrenziali di dipendenza dal potere regio e comitale, dalle signorie di banno e dalle signorie fondiarie)[131].

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[128] N. CARRIER, *Les usages de la servitude*, cit., p. 214 ss.

[129] Si tratta dell'abolizione della manomorta nel 1349 nel Delfinato, e degli statuti *Pluribus fratribus* e *Si quam mulier* di Amedeo VIII, che consentivano ai fratelli e nipoti conviventi di ereditare la quota di terra in concessione del congiunto morto senza figli naturali e legittimi, e alle donne sposate di sottrarre la dote al diritto di manomorta del signore del proprio padre: *Ibid.*, pp. 317, 323.

[130] *Ibid.*, pp. 304 ss., 316 ss.

[131] P. BONNASSIE *Le servage: une sous-féodalité? Le témoignage des documents catalans (fin XIe-XIIe siècle)*, in "Mélanges de l'École Française de Rome-Moyen Âge", 112/2, 2000, p. 646 ss.

Effettivamente le ricerche più recenti sulla storia dei *remenças* tendono a vedere soprattutto i caratteri del servaggio catalano nell'assunzione dell'obbligo di residenza e nella prestazione dell'omaggio servile ai signori, corrispondente alla dichiarazione di essere *homines proprii*, mentre invece i censi fissi nei quali sono spesso convertiti i *mals usos* imposti dalle signorie fondiarie e bannali – la *firma de spoli*, ossia la tassazione dell'ipoteca posta dal contadino sul manso per garantire la metà dei beni dotali della sposa, il riconoscimento dei diritti del signore su *eixòrquia* e *intèstia* sulle successioni e i diritti di ammenda su *arsia* (incendio accidentale degli immobili) e *cugucia* (diritto di confiscare parte dei beni delle donne adultere) – vengono per lo più inquadrati per i secoli XIII-XV tra i prelievi signorili di natura economica[132].

Sino alla fine del secolo XII nella contea di Barcellona, come ricordava un editto perduto del re Alfonso I – citato in un atto giudiziario del 1215[133] –, ogni "persona ingenua", che non fosse di condizione ascrittizia, trasferendosi in un altro territorio passava sotto la giurisdizione del nuovo signore (o del re): pertanto solo nei confronti degli *homines proprii*, equiparabili ai coloni ascrittizi, si sarebbero potuti rivendicare i diritti "perpetui" dei signori, come del resto confermano alcuni patti agrari, che prevedono la perdita del manso in concessione ai danni dei contadini liberi emigranti e a favore dei signori[134].

D'altro canto, tuttavia, il *ius maletractandi* dei *domini* nei confronti dei propri contadini, legittimato dalle Corts de Cervera nel 1202, pur non essendo inizialmente che una garanzia per i signori fondiari di non essere chiamati in giudizio dai contadini stessi che avessero subito la coercizione signorile, da quel momento in poi dovette favorire lo sviluppo dei *mals usos* esercitati a danno di quei dipendenti che fossero a tutti gli effetti *homines solidi/proprii* e quindi soggetti "in esclusiva" alla signoria fondiaria[135]. E a quel punto, come era accaduto anche in alcune regioni dell'Italia centrale, i signori si orientarono spesso a estendere indebitamente ai contadini dipendenti/concessionari di un manso[136] la condizione ascrittizia alla quale erano *de iure* sottoposti solo coloro che l'avevano assunta con due dichiarazioni formali, per lo più scritte (l'impegno alla residenza sul manso avuto in

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132 Cfr. P. BENITO I MONCLÚS, *Senyoria de la terra i tinença pagesa al comtat de Barcelona (segles XI-XIII)*, Barcelona 2003; P. FREEDMAN, *The Origins of Peasant Servitude in Medieval Catalonia*, Cambridge 1991; L. TO FIGUERAS, *Servitude et mobilité paysanne: les origines de la "remença" catalane (XIIe-XIIIe siècle)*, in "Mélanges de l'École Française de Rome-Moyen Âge", 112/2, 2000, pp.827-865; R. LLUCH BRAMON, *Els remences. La Senyoria de l'Almonia de Girona als segles XIV i XV*, Girona 2005.

133 P. BENITO I MONCLÚS, *Senyoria de la terra i tinença pagesa al comtat de Barcelona*, cit., p. 461: "Et hoc dico auctoritate principis edicti Iddefonsi, bone memorie condam defuncti ... ex comuni consensu utrorumque virorum in curia generali, tale in quam protulit edictum dicens ut omnis ingenua persona ab alterius dominio erepta et in alieno redacta de illius patrocinio et iurisdiccione deinceps fore proposuit. Unde illud deinceps non observatur nisi in ascripticiis colonis qui dicuntur servi glebe set in huius modi hominibus nequaquam".

134 *Ibid.*, p. 466.

135 P. BONNASSIE, *Le servage*, cit., p. 657 ss.; L. TO FIGUERAS, *Drets de justícia i masos : hipòtesi sobre els orígens de la pagesia de remença*, in "Revista d'Història Medieval", 6, 1995, p. 144.

136 Sugli abusi esercitati da alcuni agenti signorili nei confronti dei contadini catalani fin dalla prima metà del sec. XII e sulla protezione richiesta dalle comunità rurali al conte cfr. T. BISSON, *Tormented Voices. Power, Crisis and Humanity in Rural Catalonia (1140-1200)*, Harvard 1998, p. 94 ss.

concessione perpetua e la *confessio* di essere *homines alterius*, *homines proprii*, *homines solidi*, vale a dire "ascrittizi", come prevedeva il diritto giustinianeo).

Le Corts de Barcelona del 1283 – nel prendere atto sia dell'ampia diffusione dei patti che creavano la condizione di *remença*, sia del diritto dei contadini di sottrarvisi pagando un riscatto (*redimentia*>*remença*) ai signori e restituendo loro il manso in concessione perpetua, o dopo averlo ceduto ad altri *remenças*, come prevedevano molte consuetudini locali – proibirono ai *remenças* fuggitivi di insediarsi nelle città e nelle località soggette alla giurisdizione regia se prima non avessero pagato il riscatto fissato dalla *consuetudo loci* (qualora fosse prevista: *ubi homines redimi consueverint*), a meno che non vi si fossero già stabiliti da un anno, un mese e un giorno, senza alcuna contestazione signorile[137].

Probabilmente una delle ragioni della lunga durata del servaggio di *remença* nella vecchia Catalogna fu anche dovuto a questa regolamentazione essenziale[138], che se lasciava trasparire la debolezza del re, costretto a un compromesso con l'aristocrazia, riconosceva al tempo stesso il diritto "consuetudinario" dei *remenças* di poter pagare il riscatto per la propria persona e per i propri famigliari, magari dopo aver venduto ad altri il diritto d'uso sul manso in concessione e quindi, in definitiva, di poter emigrare. In ultima analisi, come è stato sottolineato, la pratica dei riscatti – pur derivante dall'assunzione da parte dei *rustici* di obblighi perpetui a risiedere sul manso come *homines proprii* o dall'impegno a farsi sostituire da una famiglia che abitasse continuativamente sulla terra in concessione[139] – si poteva conciliare con il processo continuo di mobilità contadina e in concreto per i signori era probabilmente più vantaggiosa dei tentativi esperiti nel secolo XI per imporre ai coltivatori dipendenti l'impegno a risiedere sul fondo[140].

Il benessere economico di molti *remenças* era spesso legato al fatto che, come è stato rilevato per la regione di Girona, era un solo figlio a ereditare il manso paterno in concessione perpetua, mentre gli altri, dopo aver riscattato la loro libertà, spesso emigravano verso villaggi, borghi e città diventando per lo più artigiani e manovali, collocandosi quindi in uno strato socio-economico inizialmente meno favorevole di quello spettante al primogenito o al suo sostituto rimasto a lavorare il manso, come rilevano Pere Orti Gost e Lluís To Figueras[141]. In sostanza anche per i *remenças* giocavano gli stessi fattori economici che dovunque, nell'Europa occidentale, determinavano una profonda articolazione economica delle famiglie contadine, a cominciare dal possesso del dominio utile sulle terre in concessione perpetua e dalla possibilità di subaffittarle o cederne i diritti d'uso ad altri contadini dipendenti

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137 L. TO FIGUERAS, *Les origines*, cit., p. 862 ss.

138 Per le costituzioni regie dei secoli successivi, che in sostanza ribadivano i contenuti della norma del 1283, cfr. R. LLUCH BRAMON, *Els remenses*, cit., p. 375 ss.

139 P. BENITO I MONCLÚS, *Senyoria de la terra i tinença pagesa*, cit., p. 443 ss.

140 L. TO FIGUERAS, *Les origines*, cit., p. 847 ss.

141 P. ORTI GOST, L. TO FIGUERAS, *Servidumbre y niveles de vida del campesinado catalán antes y después de la Peste Negra de 1348*, in questi stessi Atti del Convegno di Prato del 2013. Qualora i figli più giovani avessero ottenuto un nuovo manso in concessione dal medesimo signore, non avrebbero dovuto pagare la "redimentia", dal momento che continuavano a risiedere nel medesimo dominio signorile: BENITO I MONCLÚS, *Senyoria de la terra i tinença pagesa*, cit., p. 469.

dalla medesima signoria, dal diritto (rilevato anche per i *remenças*) di acquistare dai signori la possibilità di riscuotere censi dovuti da altri contadini, oppure dal fatto di incamerare beni dotali portati dalle spose ai figli del titolare del manso, come ha precisato Rosa Lluch Bramon[142].

Mi sembra che le ricerche più recenti sui *remenças*, nel distinguere concettualmente gli oneri economici dall'assunzione di obblighi ereditari da parte dei contadini, accolgano anche la linea interpretativa già espressa alcuni anni or sono da Gaspar Feliu i Montfort[143]. Da un lato esse permettono di affermare che le origini della condizione dei contadini *de remença* catalani per i secoli XII e XIII sono riconducibili in gran parte alla contrattazione agraria e all'influenza della dottrina dei glossatori, dall'altro mettono in luce con maggior evidenza il peso economico dei prelievi signorili; tributi che sostanziavano effettivamente il tipo specifico di dipendenza e che potevano anche essere oggetto di compravendita e quindi essere riscossi addirittura dagli stessi *remenças* che li avevano acquistati, ma che da soli non sarebbero stati sufficienti a definire la condizione di servaggio ereditario. Dunque, nel rapporto tra signori e contadini *de remença* s'intrecciavano fattori economici ed elementi giuridici fin dai secoli XII e XIII, fatti salvi gli ulteriori sviluppi di questa condizione di dipendenza fra Tre e Quattrocento, quando l'appensantimento degli oneri servili, talvolta attuati con atti di violenza signorile, portò a contrasti sociali rilevanti, che si conclusero soltanto con la sentenza interlocutoria di Alfonso il Magnanimo del 1455 e con la sentenza arbitrale di Guadalupe del 1486 di Ferdinando il Cattolico, che avviarono la soppressione dei *mals usos* signorili – senza peraltro cancellarne totalmente la memoria, dal momento che da tempo erano stati convertiti in censi fissi, che continuavano a essere riscossi – e favorirono il processo di liberazione dei contadini catalani dalla condizione personale di *remença*[144].

4. OSSERVAZIONI CONCLUSIVE

Una volta appurata l'esistenza, se non di una cesura netta, almeno di una relativa discontinuità tra la servitù altomedievale e le nuove forme di servaggio che qua e là si diffusero a partire dal secolo XII, è necessario riassumere i tratti che contraddistinguevano i rapporti di dipendenza più vincolanti per i contadini, tanto vincolanti da essere percepiti come caratteristici della servitù in un mondo che fin dal secolo XI era invece caratterizzato dalla presenza marginale di gruppi residuali di *servi* propriamente detti e da una forte mobilità della popolazione rurale alla ricerca di nuove terre da mettere a coltura, da una costante crescita demografica ed economica di città e centri rurali, da un grandioso rinnovamento degli insediamenti umani del territorio, tutti elementi che sono incompatibili con le stesse idee di "servitù della gleba" e di "servaggio".

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142 R. LLUCH BRAMON, *Remences pauvres, remences riches: les inégalités économiques (Vieille Catalogne XIVe-XVIe siéde)*, in questi stessi Atti del Convegno di Prato del 2013.

143 G. FELIU I MONTFORT, *El pes econòmic de la remença i dels mals usos*, in "Anuario de Estudios Medievales", 22 (1992), pp. 145-160.

144 R. LLUCH BRAMON, *Els remences* , cit., p. 123 s.

Nell'Europa occidentale del basso medioevo vi erano, nondimeno, regioni in cui nei secoli XIII e XIV il servaggio ereditario assunse tratti ben definiti per settori cospicui della popolazione, come la vecchia Catalogna, l'Inghilterra, la Sicilia normanno-sveva (per le regioni dell'Italia centrale, invece, i rapporti bassomedievali di servaggio riguardavano solo una netta minoranza di contadini). Ve ne erano altre in cui alcuni oneri di dipendenza, come la taglia arbitraria e il diritto di manomorta esercitati nei confronti di contadini che avevano accettato particolari vincoli di subordinazione per sé e per i propri discendenti, ricordano strettamente la dipendenza servile altomedievale, soprattutto quando tali oneri si potevano distinguere – in ragione della stessa dipendenza ereditaria e non certo attraverso il peso economico o la qualità dell'onere in sé – da quelle forme di subordinazione libera, che si concretavano nel pagamento di tributi e decime e nella sottomissione alla giurisdizione del signore territoriale (oltre che nel pagamento di canoni d'affitto e nella prestazione di servizi dovuti ai proprietari per la terra ricevuta in locazione), nella facoltà dei coltivatori di cedere a terzi il dominio utile o i diritti d'uso sulla terra in concessione a tempo indeterminato e di trasmetterla a discendenti il linea retta (pagando laudemi ai signori eminenti, anche quando a ereditare la terra in concessione erano le figlie che andavano in sposa a estranei), oppure nel dovere di restituirla ai signori/proprietari in caso di emigrazione o di interruzione del contratto di locazione.

Anche nelle località in cui si diffuse il servaggio legato ai prelievi della manomorta – per esempio, in alcune regioni già appartenenti al regno di Borgogna – i rapporti di dipendenza che regolavano la vita della popolazione di città, borghi organizzati a comune, villenove, antichi villaggi che avevano ottenuto franchigie dai propri signori, erano caratterizzati dalla mobilità geografica delle persone, dal diritto di possedere terre allodiali o in concessione trasmissibili agli eredi, dalla libertà di uomini e donne di contrarre matrimonio con persone subordinate ad altri signori. Pertanto anche qui le condizioni di libera dipendenza non erano un'eccezione, ma erano ampiamente diffuse sul territorio, dove, tuttavia, piccoli signori laici ed ecclesiastici cercavano di ritagliarsi forme di giurisdizione esclusiva verso alcuni gruppi di contadini legati a sé attraverso patti orali e scritti particolarmente vincolanti per i dipendenti.

Proprio guardando a queste ultime regioni, alcuni studiosi si sono chiesti se la *coutume* potesse originare relazioni di servaggio. La risposta al quesito non è stata univoca, dal momento che la consuetudine, per affermarsi come diritto non scritto applicato alla vita quotidiana, doveva poggiare sull'uso più o meno radicato e sul consenso del gruppo sociale che l'accettava[145]; e ciò mal si conciliava con i tentativi di imposizione di una condizione di servaggio ereditario a intere comunità, a meno che non vi fosse una contropartita economica per i contadini soggetti. Questo sembra essere, per esempio, il caso dei *taillables et mainmortables* del monastero francese di St.-Claude, nella Franca Contea, per i quali vi fu nel tardo medioevo un riconoscimento del diritto di trasmettere in eredità le terre in concessione ai propri eredi diretti e la possibilità, in linea di principio, di sottrarsi alla dipendenza lasciando una parte dei beni accumulati nell'azienda agricola e le stesse terre in

[145] M. GRINBERG, *Écrire les coutumes. Les droits seigneuriaux en France*, Paris 2006, p. 67.

locazione perpetua ai grandi proprietari. Si tratterebbe, in sostanza, di una dipendenza molto stretta, di natura economico-fiscale, abbastanza simile alle condizioni di vita determinate dal servaggio ereditario, se non fosse riconosciuta alla famiglia contadina la possibilità di emigrare a certe condizioni codificate proprio dalla consuetudine, che non sanciva dunque una limitazione alla libertà personale dei dipendenti, ma costituiva addirittura una garanzia per gli stessi[146].

Le *malae consuetudines* concernevano invece le esazioni e gli oneri imposti dai signori senza il consenso delle comunità e per questo divennero spesso oggetto di contestazione e di rivolta soprattutto in momenti di crisi economica e politica; ma, in realtà, esse non definivano condizioni di servaggio propriamente dette, anche se nella percezione comune del tardo medioevo il fatto che i signori potessero ritenere legittime le imposizioni non accettate volontariamente da un individuo, con un patto scritto, oppure pubblicamente dalla comunità, potevano essere paragonate ai servizi tipici di uno *status* di servaggio e per questo contestate dalle comunità stesse.

Si è visto che nella maggior parte delle regioni italiane i rapporti di dipendenza fra proprietari e contadini nel basso medioevo erano caratterizzati da obblighi economici derivanti dall'assunzione di terre in concessione a tempo indeterminato da parte di rustici, livellari, massari, *homines* senza altra qualifica (oltre che da una crescente diffusione di contratti con mezzadri e salariati, dal secolo XIII in poi). Questi ultimi, come si è detto, si sarebbero potuti sottrarre alla dipendenza della signoria territoriale o locale semplicemente trasferendosi in un altro territorio e restituendo le terre in concessione, qualora non fossero riusciti a cederle ad altri contadini del luogo, come la *consuetudo loci* permetteva per lo più di fare.

Si distinguono però da queste regioni alcune aree della Toscana, della Romagna, dell'Umbria e delle Marche, dove si diffusero a partire dal secondo decennio del secolo XII patti di *adscriptio terrae* e di *hominitia* mutuati dal diritto giustinianeo reinterpretato dai glossatori. Il rapporto fra contratti tradizionali e nuova contrattualistica è difficile da valutare, ma nella Lucchesia e nel territorio pisano – dove questi patti erano particolarmente diffusi – è stato calcolato che non dovessero superare il 30% dei rapporti di lavoro[147] e in Umbria risultano sicuramente minoritari rispetto ai contratti tradizionali di tipo enfiteutico[148]. Anche nel Bolognese non dovevano coinvolgere un numero di contadini superiore alle famiglie che erano state liberate dalla servitù nel 1256-57 (meno del 10% della popolazione) e che dovevano rappresentare la fascia economico-sociale più debole e quindi maggiormente soggetta all'imposizione di clausole iugulatorie. Per l'Italia

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146 V. CORRIOL, *Les serfs de Saint-Claude*, cit., p. 220 s. L'interpretazione dell'A., a dispetto della documentazione citata e in parte pubblicata in appendice al volume, è invece orientata diversamente: "La mise en place du statut servile n'est finalement jamais que la codification et la systématisation de pratiques seigneuriales existantes mais dispersées, ou du moins qui n'avaient jamais été clairement systématisées: taille, mainmorte, exclusivité du lien seigneurial. Toutes les composantes de la servitude sanclaudienne préexistent au statut".

147 PH. JONES, *Economia e società nell'Italia medievale*, Torino 1980, p. 284 (in questi casi l'obbligo di residenza è vincolante per il coltivatore e i propri discendenti e quindi, contrariamente a quanto ritiene l'A., è ben diverso dagli impegni contrattuali altomedievali liberamente assunti dai livellari).

148 S. TIBERINI, *Le signorie rurali nell'Umbria settentrionale. Perugia e Gubbio (secc. XI-XIII)*, Roma 1999, p. 292 ss.

meridionale è stato rilevato che i rapporti di villanaggio si estinsero nel corso del secolo XIV, ma anche in età sveva la popolazione araba sottoposta al villanaggio e in gran parte deportata da Federico II sul continente non doveva essere ormai di molto superiore al numero delle famiglie che vennero insediate coattivamente nel territorio di Lucera[149].

Pertanto si può concludere che le forme di "nuovo servaggio" dei secoli XII-XIV si definirono partendo sia da situazioni residuali di rapporti servili, che vennero consolidati soprattutto dai signori minori di fronte all'affermazione della giurisdizione di signorie territoriali di banno e comuni urbani o, in alcune località, addirittura irrobustiti attraverso matrimoni misti – quantunque in questi casi si riconoscessero ormai ai discendenti dei *servi* di origine postcarolingia diritti successori sulle terre in concessione e la capacità di testimoniare –, sia da nuovi vincoli, per alcuni gruppi di contadini liberi, creati su basi pattizie, come suggerivano i giuristi pratici nei secoli XII e XIII.

I nuovi rapporti servili, secondo la dottrina giuridica romanistica, si creavano con un esplicito atto di asservimento oppure con l'assunzione di un obbligo a coltivare per sempre le terre signorili, integrato da una *confessio* con la quale il dipendente dichiarava di essere *ascripticius*, *homo proprius*, *homo alterius*, *homo de corpore* ecc. Non erano dunque, solo rapporti "nominali", né si riducevano a essere soltanto frutto di una "argumentation servile" adattata dai signori alle varie situazioni locali[150], ma erano concretamente sostanziati da atti scritti e da impegni pattizi assunti espressamente davanti a testimoni e alla comunità da alcuni gruppi di contadini, che collegavano oneri e servizi a una dipendenza ereditaria, che solo col tempo, talvolta, vennero recepiti dalla *consuetudo loci*, come accadde in alcune località della vecchia Catalogna, dove questi patti si diffusero progressivamente dal secolo XII in poi.

Piuttosto sono i tentativi da parte di alcuni signori di estendere indebitamente queste forme di dipendenza ereditaria anche a gruppi di contadini che non avevano rinunciato alla propria libertà personale, appoggiandosi sul fatto che servizi, canoni, censi, donativi e *corvées* non avevano di per sé una connotazione servile ed erano prestati dagli uni e dagli altri. Tali tentativi, in particolari casi, possono essere correttamente interpretati come un uso strumentale dell'argomento servile, sostenuto magari con atti di violenza, che però non erano mai risolutivi di fronte ai tribunali pubblici. Questi ultimi, infatti, al di là della tipologia dei servizi prestati dai contadini, miravano ad appurare se il convenuto fosse un *liber homo* in grado di interrompere la propria dipendenza restituendo le terre in locazione (*libellarius*, *massarius*, *rusticus*, o titolare di un contratto di *investitura ad fictum* o di mezzadia, manovale ecc.), oppure un *homo alterius* giuridicamente asservito a una dipendenza ereditaria, che secondo l'articolata terminologia di uso regionale era definito *ascripticius*, *colonus*, *villanus*, *homo proprius*, *homo de corpore*, *homo de maxinata*, *servus* ecc.

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149 I. PERI, *Villani e cavalieri* , cit., p. 64 ss.

150 N. CARRIER, *Les usages de la servitude*, cit., p. 146 ss. Ciò porterebbe però a inquadrare, in modo non corretto sul piano esegetico, tutte le forme della dipendenza contadina come tante *nuances* di un unico contesto di *servage*, come inducono a ritenere anche le considerazioni conclusive di BARTHÉLEMY, *Qu'est-ce que le servage en France*, cit., pp. 268, 270.

In ogni caso, in Italia i vincoli del nuovo servaggio coinvolsero in poche regioni un settore decisamente minoritario della popolazione, mentre, come abbiamo visto, la maggior parte delle regioni del Nord non conobbero la condizione del servaggio "reale", fermo restando che anche in alcune aree della Lombardia, del Veneto e del Friuli continuarono a sussistere, nel tardo medioevo, sacche di servi di masnada in parte nuovi e in parte discendenti da servi altomedievali, che proprio perché erano nettamente minoritari rispetto ai membri delle comunità rurali di quei territori, erano considerati "diversi". Di conseguenza lo stesso nome di *servus* finì talvolta per essere ritenuto ingiurioso: così in un atto del 1437, per esempio, alcuni contadini friulani affermarono che l'appellativo era considerato "res valde turpis"[151].

In definitiva, il supposto livellamento dei dipendenti della signoria di banno del secolo XI verso la servitù è smentito dal fatto stesso della creazione di nuovi vincoli di servaggio nei secoli XII-XIV a carico di gruppi di contadini liberi; vincoli ereditari documentati da puntuali atti scritti, in qualche modo assimilabili alle autodedizioni servili altomedievali e alle commendazioni che creavano legami ereditari, ora però inquadrati per lo più nella normativa giustinianea relativa al colonato. Questa normativa tardoantica, riesumata dai commenti dei glossatori, finì per trovare applicazione pratica, su basi pattizie, proprio nel momento in cui la mobilità contadina fra contado e città raggiunse la sua massima intensità con la crescita economica e demografica dei secoli XII e XIII, mentre la concorrenza giurisdizionale fra comuni, signorie territorali e piccole signorie fondiarie si faceva più veemente, causando spesso atti di violenza sia nei confronti di signori ecclesiastici e piccoli signori laici, sia verso allodieri e contadini dipendenti liberi non adeguatamente difesi dalla comunità di appartenenza. Allora, talvolta, l'accettazione di rapporti di servaggio ereditario da parte dei coltivatori più umili (ma anche da parte di piccoli allodieri) in alcune regioni divenne la contropartita per raggiungere una maggior sicurezza personale ed economica, con modalità non troppo diverse dai legami creati con le scritture che definivano la natura del feudo oblato di *milites* di secondo piano o regolavano gli oneri dovuti da cavalieri e medi possessori per certi feudi condizionali. Questi ultimi tipi di rapporti però, a differenza dei primi, consentivano di interrompere la dipendenza vassallatica restituendo la terra in concessione al *senior*/concedente; ma così avveniva anche per i livellari, i massari liberi e i piccoli enfiteuti coltivatori, che negli ultimi tre secoli del medioevo continuavano a costituire, insieme con i mezzadri e i salariati, la maggioranza della popolazione contadina in Italia e in quasi tutte le regioni dell'Europa occidentale.

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151 A. BATTISTELLA, *La servitù di masnada in Friuli*, cit., p. 177.

Michael North

*Serfdom and Corvée Labour in the Baltic Area 16th-18th Centuries**

This paper will focus on the emergence of serfdom and corvée labour in the 16th century and 17th centuries in Schleswig-Holstein, Pomerania and Ducal Prussia. In the whole region agriculture was characterized by production under the condition of manorial economy. Manorial demesne production based on corvée labour prevailed and the peasants became enserfed to satisfy the labour demand of the manors. However, we observe differences from territory to territory and changes in the form of feudal rents (from labour rent to money rent and vice versa) over the centuries.

The paper will examine the causes behind these different developments and therefore have a closer look on rural labour supply, markets conditions and peasants' resistance.

Historiographical Introduction

During the 16th century the agrarian economy and society of the lands east of the Elbe underwent a process of transformation, during which the manorial economy *(Gutswirtschaft)* emerged. The early-modern manorial economy influenced the economic, social and even the political development of East-Central Europe to a considerable extent.

German historiography has dealt with the manorial economy from the late 19th century. Focussing on the "agrarian constitution" *(Agrarverfassung),* historians as Georg Friedrich Knapp outlined a dichotomy of *Grundherrschaft* in West Elbia versus *Gutswirtschaft* in East Elbia.[1] Only in the period after the Second World War (Marxist) research in Poland and in the former GDR concentrated on the economic and social system of the manorial economy in the territories east of the Elbe. Thus they stimulated new research by younger historians from the 1970s onwards.[2]

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* I am indebted to Carsten Porskrog Rasmussen for reading and commenting on an earlier draft.

[1] G.F. Knapp, *Die Bauernbefreiung und der Ursprung der Landarbeiter in den älteren Teilen Preußens*, I-II, Leipzig 1887; idem, *Die Erbuntertänigkeit und die kapitalistische Wirtschaft*, in idem, *Einführung in einige Hauptgebiete der Nationalökonomie*, München 1925, pp. 91-123, p. 144; idem, *Die Erbuntertänigkeit und die kapitalistische Wirtschaft*, in idem, *Die Landarbeiter in Knechtschaft und Freiheit*, Leipzig [2]1909, pp. 43-64. For an overview see H. Kaak, *Die Gutsherrschaft. Theoriegeschichtliche Untersuchungen zum Agrarwesen im ostelbischen Raum*, Berlin 1991.

[2] J. Leskiewiczowa, *Dobra osieckie w okresie gospodarki folwarczno-pańszczyźnianej XVI-XIX w.*, Wrocław 1957; J. Topolski, *Gospodarstwo wiejskie w dobrach arcybiskupstwa gnieźnienskiego od XVI do*

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantecinquesima settimana di studi", 14-18 aprile 2013*
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Moreover the Eastelbian manorial economy found renewed interest in the context of the Wallerstein and the Brenner debates.[3] Immanuel Wallerstein's theory of the modern world-system has focused attention not only on the emerging international division of labour but also on the work relationships in preindustrial time. Analyzing the system of the international division of labour in which the core-states in Western Europe exploited by surplus-appropriation the periphery, Wallerstein defines an area's role in the world-system according to the kind of goods that this area supplied within the international division of labour: "The periphery of a world-economy is that geographical sector of it wherein production is primarily of lower-ranking goods (that is, goods whose labour is less well-rewarded) but which is an integral part of the overall system of the division of labour, because the commodities involved are essential for daily use."[4] Corresponding to his division into core and periphery Wallerstein distinguishes between wage labour and yeoman farming in the core, and coerced cash-crop labour and forced wage labour in the periphery. As the international division of labour was a result of the emergence of capitalism, the "second serfdom" in Europe east of the Elbe, i.e. the rise of coerced cash-crop labour, was capitalist in origin.[5]

In a similar direction points Robert Brenner, when he assumes class constellations crucial for the development of new forms of agrarian production: „The breakthrough from 'traditional economy' to relatively self-sustaining economic development was predicated upon the emergence of a specific set of class or social-property relations in the countryside - that is, capitalist class relations. This outcome depended, in turn, upon the previous success of a two-sided process of class development and class conflict: on the one hand, the destruction of serfdom; on the other, the short-circuiting of the emerging predominance of small peasant property".[6]

This position has been criticized (among many others) from the Polish point of view by Jerzy Topolski who points out the difference between a capitalist system and the feudal system in Europe east of the Elbe, especially in Poland: "The transformation to a manorial system in fact only meant a change in the form of

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XVIII w., Poznań 1958; A. WYCZAŃSKI, *Studia nad folwarkiem szlacheckim w Polsce w latach 1500-1580*, Warszawa 1960; L. ŻYTKOWICZ, *Studia nad gospodarstwem wiejskim w dobrach kościelnych XVI w.*, Warszawa 1962; G. HEITZ, *Die sozialökonomische Struktur im ritterschaftlichen Bereich Mecklenburgs zu Beginn des 18. Jahrhunderts, eine Untersuchung für 4 Ämter*, in "Beiträge zur deutschen Wirtschafts- und Sozialgeschichte des 18. und 19. Jahrhunderts", 10, Berlin 1962; H. HARNISCH, *Die Herrschaft Boitzenburg. Untersuchungen zur Entwicklung der sozialökonomischen Struktur ländlicher Gebiete in der Mark Brandenburg von 14. bis 19. Jahrhundert*, Weimar 1968; H. HARNISCH, G. HEITZ, *Feudale Gutswirtschaft und Bauernwirtschaft in den deutschen Territorien. Eine vergleichende Analyse unter besonderer Berücksichtigung der Marktproduktion*, in *Grand domaine et petites exploitations en Europe au moyen age et dans les temps modernes. Rapports nationaux*, P. GUNST, T. HOFFMANN eds., Budapest 1982, pp. 9-32.

[3] I. WALLERSTEIN, *The Modern World-System, Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century*, 1, New York 1974; R. BRENNER, *The Origins of Capitalist Development. A Critique of Neo-Smithian Marxism*, in "New Left Review", 104, 1977, pp. 25-92; IDEM, *Agrarian Class Structure and Economic Development in Pre-Industrial Europe*, in "Past & Present", 70, 1976, pp. 30-75; reprinted in *The Brenner Debate*, T. H. ASTON, C.E.H. PHILPIN eds., Cambridge 1985, pp. 10-63.

[4] I. WALLERSTEIN, *Modern World System*, cit., pp. 301-302.

[5] *Ibid.*, p. 91.

[6] R. BRENNER, *Agrarian Class Structure*, cit., p. 30.

feudal rent to a system more primitive than money rent. It did not mean a transition to capitalism. While the manor developed its links to the market, the reverse happened with peasant holdings, which after all constituted 75 per cent of all village lands."[7]

Even though we may underline Topolski's criticism of Wallerstein's explanation of the "second serfdom" we have ourselves to criticize Topolski's assumption of the feudal system. Both Wallerstein and Topolski assume in Europe east of the Elbe a monolithic system of capitalist or feudal production based exclusively on corvée labour. Thus they ignore – as Witold Kula two decades before in his theory of the feudal system[8] – not only the existence of wage labour in Eastern Europe's grain-growing agriculture but also the changes in the forms of feudal rent during the centuries.

That is why, in reconstructing the development of manorial economy in East-Central Europe one should take the different regional developments and the different types of manorial economy into account.[9] Fundamental are the differences in size and the category of ownership: was the manor a royal, ducal or ecclesiastical demesne, or did it belong to a noble landowner or to a city or a municipal institution? So only case studies on single manors can improve our understanding of the emergence of the early modern manorial economy and especially of corvée labour.

ABUNDANCE OF LAND

In my paper, however, I would like to generalize the results of several case studies on Schleswig-Holstein, Pomerania and Ducal Prussia.[10] A characteristic feature of East Elbia is the fact that the peasants did not own the land they cultivated, but had mostly a hereditary right of usufruct. So only noblemen and sometimes urban citizens traded in land. However the trade in land was hampered by another factor, the abundance of land. Demographic losses and desertions of lands, characteristic of late-medieval Europe in general, led to declines in the

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[7] J. TOPOLSKI, *Sixteenth-Century Poland and the Turning Point in European Economic Development*, in *A Republic of Nobles. Studies in Polish History to 1864*, ed. J.K. FEDOROWICZ, Cambridge 1982, p. 80.

[8] W. KULA, *Teoria ekonomiczna ustroju feudalnego*, Warszawa 1983, pp. 206-220. The French translation, *Théorie économique du systéme féodal. Pour un modéle de l'économie polonaise 16e-18e siècles*, Paris 1970, does not include this chapter.

[9] For the variety of seigniorial systems in East-central and Eastern Europe, 1300-1800 see M. CERMAN, *Seigniorial Systems in East-central and Eastern Europe, 1300-1800: Regional Realities*, in this volume, pp. 187-214 ; IDEM, *Villagers and Lords in Eastern Europe, 1300-1800*, Basingstoke 2012.

[10] M. NORTH, *Die Amtswirtschaften von Osterode und Soldau. Vergleichende Untersuchungen zur Wirtschaft im frühmodernen Staat am Beispiel des Herzogtums Preußen in der zweiten Hälfte des 16. und der ersten Hälfte des 17. Jahrhunderts*, Berlin 1982 (Gießener Abhandlungen zur Agrar- und Wirtschaftsforschung des europäischen Ostens 118); IDEM, *Die frühneuzeitliche Gutswirtschaft in Schleswig-Holstein. Forschungsüberblick und Entwicklungsfaktoren*, in "Blätter für Deutsche Landesgeschichte", 126, 1990, pp. 223-242; IDEM, *Untersuchungen zur adligen Gutswirtschaft im Herzogtum Preußen des 16. Jahrhunderts*, in "Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte", 70, 1983, pp. 1-20; IDEM, *Die Entstehung der Gutswirtschaft im südlichen Ostseeraum*, in "Zeitschrift für Historische Forschung", 26, 1999, pp. 43-59. W. PRANGE, *Die Entwicklung der adligen Eigenwirtschaft in Schleswig-Holstein*, in *Die Grundherrschaft im späten Mittelalter*, ed. H. PATZE, I-II, Sigmarinen 1983 (Vortr. u. Forsch. 27), I, pp. 519-553. D. SCHLEINERT, *Die Gutswirtschaft im Herzogtum Pommern-Wolgast im 16. und frühen 17. Jahrhundert*, Köln-Weimar-Wien 2001.

income of late-medieval landowners, with the shrinking number of peasants and their feudal rents. To compensate for these losses, demesnes and noblemen in East-Elbia were taking deserted village lands *(Wüstungen)* into direct cultivation by the 15th century, establishing demesne farms *(Vorwerke, Höfe)*. In the 16th century noble demesne farming on princely and noble estates expanded, stimulated by rising prices for agrarian products. The formation process of demesne farms took different forms, whereby two processes coincided: the repopulation of the estates and the expansion of demesne farming. Before the end of the 16th century, the ducal demesnes and noble manors that had been depopulated, succeeded in repopulating their lands. Moreover, from the second half of the 16th century we observe a steady increase in the manorial arable acreage. This increase took place on deserted village lands *(Wüstungen)* and at the expense of common pasture lands. Sometimes the village mayor *(Schulze)*, who had traditionally enjoyed a large holding, was bought out. It has been always contended in the older literature that a large part of the peasantry had been expelled from the land and that their lands were used to build up demesne farms.[11] This, however, was normally not the case, since the demesnes needed every labour service of the peasants and especially the peasants' ox-teams or horse-teams during this formation period of the manorial economy. In the 17th and 18th centuries, however, we witness this so-called *Bauernlegen* to a greater extent in Mecklenburg but also in Pomerania.

BUILDING DEMESNE FARMS

Some examples may illustrate the emergence of the manorial economy in the different territories. In Schleswig-Holstein and especially in Holstein the medieval German settlement established the *Grundherrschaft* of the Counts of Holstein, the church and several noble families. Numerous villages were founded and several noble and ecclesiastical *curiae* created. The landlords lived exclusively on the rent of their tenants, growing only that amount of grain needed for their daily consumption. Already in the 15th century noble landowners tried to round off their property *(curiae)*, building up large manors by purchases or exchanges of lands, villages or tenants. The late medieval depression and desertion of land opened similar opportunities for the expansion and the establishment of new demesne farms as the reformation. From the 1540s the Duke of Holstein and the leading noble families occupied or bought ecclesiastical lands and demesnes, to be used for cattle breeding and grain cultivation.[12] Moreover pawns of ducal land and endowments to noblemen increased the share of noble estates.

In Pomerania the Dukes built up from the 1540s demesne farms *(Vorwerke)*, using old ducal *curiae* and *grangia* of the dissolved monasteries, and buying out the

[11] J. NICHTWEIß, *Das Bauernlegen in Mecklenburg. Eine Untersuchung zur Geschichte der Bauernschaft und der zweiten Leibeigenschaft in Mecklenburg bis zum Beginn des 19. Jahrhunderts*, Berlin 1954; G. HEITZ, *Zur Diskussion über Gutsherrschaft und Bauernlegen in Mecklenburg*, in "Zeitschrift für Geschichtswissenschaft", 1957, 2, pp. 278-296.

[12] W. PRANGE, *Entwicklung*, cit., pp. 520f., 543f., 549f.; IDEM, *Entstehung und innerer Aufbau des Gutes Bramstedt*, in "Zeitschrift der Gesellschaft für Schleswig-Holsteinische Geschichte", 91, 1966, pp. 121-175; M. NORTH, *Gutswirtschaft in Schleswig-Holstein*, cit., pp. 227-229.

village mayors' property *(Schulzenhof)*. Moreover deserted lands were made arable, and peasants moved to deserted lands, while their farms were converted into a *Vorwerk*. As regards the Pomeranian nobility, their medieval *curiae* formed the basis for the establishment of demesne farms. Since the *curiae* did often not exceed the peasant farms significantly with respect to size, they were often converted into peasant farms, when peasants were available and willing to cultivate them. In the second half of the 16th century, however, the *curiae* were no longer farmed out but restructured as demesne farms for cattle breeding and grain growing. This development was accompanied by a decline in the number of peasants who were in several cases displaced. This decline meant, however, rising corvée obligations for the remaining peasants and the hiring of additional wage labour.[13]

Less tense was the situation in Ducal Prussia which came only in existence in 1525 and where the demesnes in the late 16th century had vast land resources at their disposal. The origin of Ducal Prussia lies in the secularization of the state of the Teutonic Knights in Prussia. In 1525 the last Grand Master of the Teutonic Order, Albrecht, converted to Lutheranism and secularized the Order's state which became a vassal state of Poland: Ducal Prussia. That is why, the Duke inherited the demesnes of the Teutonic Order. The administration tried to resettle the deserted lands and expanded demesne farming on the old demesne farms *(curiae, Höfe, Vorwerke)* of the Order and, on deserted peasant lands. I have examined two demesnes in south-western Ducal Prussia with respect to the development of their demesne farming and agrarian production: Osterode and Soldau. Thereby I tried to reconstruct the spatial development of the demesne farms (table 1):

Tab. 1. Demesne farms of Osterode and Soldau (16th/17th centuries)[14]

Osterode	17 hufen (1553/54), 21 hufen (1582/83), 22 hufen (1583/84)
Buchwalde	17 hufen (1580-1587/88)
Görlitz	13 hufen fields, 9 hufen meadows (17th century)
Mörlin	11 hufen 10 morgen fields, 17 hufen including fields, meadows and forest (17th century)
Kraplau	8 hufen fields, 1 hufen 10 morgen meadows (17th century)
Niederhof	13 hufen 26 morgen fields, 8 hufen 21, 25 morgen meadows (17th century)
Hohendorf	17 hufen (1548/49), 21 hufen (1562/63), 12 hufen fields (since 1582/83)
Heinrichsdorf	8 hufen 7,5 morgen fields (since 1570/71)
Kurkau	8 hufen 29 morgen 108 ruten fields, 5 hufen 10 morgen 192 ruten meadows 14 hufen 10 morgen 108 ruten fields, 5 hufen 10 morgen 192 ruten meadows (17th century)
Narzym	15 hufen fields, 4 hufen meadows (17th century)

1 hufe (mansus) = 16 hectare = 30 morgen (1 morgen = 0,53 hectare)

[13] D. SCHLEINERT, *Gutswirtschaft*, cit., pp. 86-147.
[14] Source M. NORTH, *Die Amtwirtschaften*, cit., p. 20.

Table 1 shows an increase in the arable acreage of the demesnes in the majority of the cases, where we can reconstruct a development from the 16th to the 17th century. Thereby mainly deserted village lands were cleared and converted into demesne farmland. In the cases of Buchwalde and Görlitz land from a former employee (*Burggraf Alexander*) and the village inn-keeper (*Krüger*) were bought for the establishment of the *Vorwerke*. However, the exploitation of Buchwald lasted only eight years, since then it was let to the citizens of the town of Osterode. This holds as well for the *Vorwerk* Hohendorf that was reduced in size, when peasants were again able and willing to cultivate a part of the former demesne land (that had been peasant land before). As regards noble manors, they also succeeded in repopulating their lands and increasing their manorial arable acreage. This increase took place on deserted village lands and at the expense of common pasture lands. Only in few cases peasants were displaced, but sometimes their holdings were reduced in size.[15]

These processes could be reconstructed by examining different sources. Apart of administrative documents as demesne accounts and tax registers several registers of Prussian manors (*Güterinventare*), which were composed in the course of a confiscation, had to be used. These provide only indirect insights into the spatial development of demesne farms. Unfortunately purchases and prices of land were seldom recorded, probably because a transparent land market did not exist and the prices were dictated by the buyers, i.e. the ducal administration or a noble landowner. Only when the demesne cultivation was given up and the demesne lands or parts of it were let to peasants and citizens, the money rents paid were documented.

ENSERFMENT OF PEASANTS

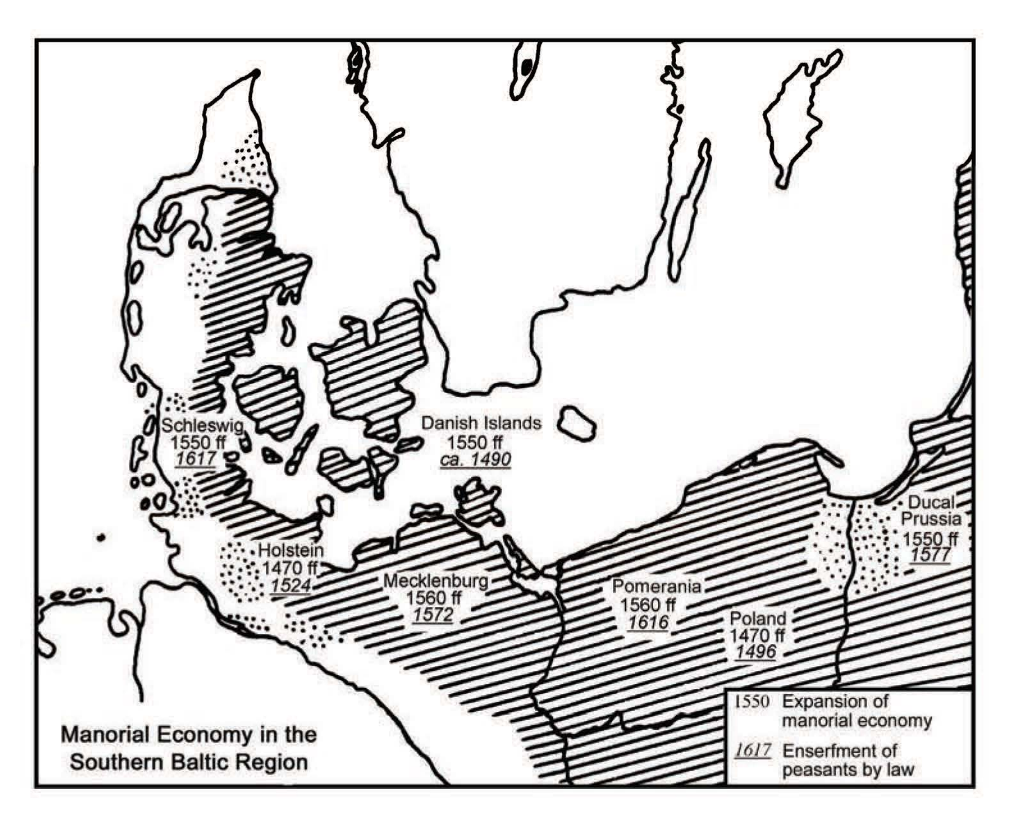
With the growing quantity of arable acreage and the concentration on labour-intensive grain production, the manorial demand for labour rose. That demand was satisfied above all by the peasants' corvée obligations, which were increased continuously during the second half of the 16th century. Figures from the ducal demesnes show a rise from one day of corvée labour in 1550 to three days in the early 17th century. In Schleswig-Holstein corvée obligations rose by the end of the 16th century to 3-5 days weekly, and peasants were complaining about the increasing services[16] How important the labour services had become for example in this region, shows the fact that during the sale of the manor Gudow in 1555 the quantity of peasant labour services and not the number of the peasants was mentioned.[17] Besides increasing the labour supply per week, potential deficiencies in labour supply were met by the gradual enserfment of the peasantry. In Ducal Prussia landed nobility enforced hereditaty enserfment (*Leibeigenschaft*) during the 16th century (1577), when the political power of the Prussian nobility was at its peak. Peasants were no longer allowed to leave their holdings without the lord's

[15] IDEM, *Untersuchungen zur adeligen Gutswirtschaft*, cit., pp. 3-7.

[16] For example in the village of Sandbek the peasants complained already in 1568 that the manor demanded daily services. C. PORSKROG RASMUSSEN, *Rentegods* og *hovedgårdsdrift: Gods- strukturer* og *godsøkonomi* i *hertugdømmet Slesvig 1524-1770. Del I: Fremstilling*, Abenraa 2003, p. 408f.

[17] W. PRANGE, *Entwicklung*, cit., p. 551.

permission; they themselves and their children were forced to work on the fields of the ducal demesnes and noble manors, since the peasants supplied the manors not only with the manpower necessary for large-scale production but also with the livestock, the ox-teams and horse-teams for the tilling. Similarly was hereditary enserfment enforced in Holstein in the 16th century – here peasants had to pay 50 Talers, before they were allowed to leave – and in Schleswig in the 17th century. In Holstein, we find an early notion of "Leibeigenschaft", when a "liebeigen mahn" had left his manor in 1575 to Lübeck with his horses and cattle.[18] In Pomerania the *Leibeigenschaft* was finally introduced by the *Bauernordnung* of Pommern-Stettin in 1616.[19] Thus the manorial system and the "second serfdom" east of the Elbe took shape (see map).



[18] Geschichte Schleswig-Holsteins, V, 2: E. HOFFMANN, K. REUMANN, *Die Herzogtümer von der Landesteilung von 1544 bis zum Kopenhagener Frieden 1660*, Neumüster 1986, p. 189f.

[19] M. NORTH, *Wage Labour versus Corvée Labour in East Prussian Agriculture (Sixteenth to Eighteenth Century)*, in IDEM, *From the North Sea to the Baltic. Essays in Commercial, Monetary and Agrarian History, 1500-1800*, Aldershot 1996, Chapter XVI; IDEM, *Abgaben und Dienste in der ostdeutschen Landwirtschaft vom Spätmittelalter bis zur Bauernbefreiung. Bestimmungsgründe für die langfristigen Substitutionsprozesse*, in *Ibid.*, Chapter XVII, pp. 77-89.

DUCAL PRUSSIA

In the 16th century Ducal Prussia saw the resettlement of the estates and the expansion of demesne farming.[20] Before the end of the 16th century the Ducal and noble estates which had been depopulated in the wars of the 15th and early 16th centuries succeeded in repopulating their lands. Although increased demand for grain stimulated ducal and noble estates to extend their arable acreage, demesne farming developed very differently in the various parts of Ducal Prussia. That is why; we can only point out a general trend of development. From the second half of the 16th century until the beginning of the 17th century we witness a steady increase in the demesnes' arable acreage. With this rose the demand for labour and the peasant's corvée obligations. Whereas the average peasant in 1550 had to work only one day per week with an ox-team or a horse-team on the ducal farm land, the obligations rose to three days per week at the beginning of the 17th century. However, the average number of servants per farm (*Vorwerk*) did not increase in the same way. Whilst the administrator and his wife (*Hofmann und Hofmutter*), one hind, two or three dairy-maids and one apprentice remained, the farms only employed a second or a third herdsman. In addition, the agricultural workers, especially the *Gärtner,* were hired for the everyday work in the *Vorwerke,* turning the grain and breaking and winging the flax etc.

It is not surprising that the demesnes' rising demand for labour could be exclusively satisfied by the corvée labour of the peasants, when we take into consideration the proportion of the *Vorwerk's* acreage to the peasants' acreage which was 1:10 or 1:12. That meant five to six peasants were available for the cultivation of one *Hufe* (ca. 6.5 acres) of the *Vorwerk's* land. This was even in the harvest time more than sufficient, if we calculate an average demand for 180 working days per *Hufe* during the harvest time, lasting six and a half weeks.[21] Since the peasants' hand-corvée duty with the sickle amounted six days per week (the double amount of the corvée with the ox-team), the corvée labour of five peasants came up to 195 working days during the harvest. However, on noble lands the proportion of the farms to the peasant's acreage and thus the labour supply was less favorable. So only a part of the harvest work could be carried out by the peasants and the noble farms had to use the services of their servants and of the agricultural workers to a far greater extent.

In the beginning of the 17th century a fundamental change occurred in the labour organization of the demesnes due to the transformation of feudal labour obligations into money rents. By this so-called "Umsetzung auf hohen Zins" the demesnes raised the money rent of the majority of the peasants fivefold to sixfold and in return exempted the peasants from corvée labour with the exception of four

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[20] M. NORTH, *Die Amtswirtschaften;* IDEM, *Untersuchungen zur adligen Gutswirtschaft im Herzogtum Preußen*, pp. 1-20.

[21] A. WYCZAŃSKI, *Studia nad folwarkiem szlacheckim w Polsce*, pp. 133-138; M. KAMLER, *Folwark szlachecki w Wielkopolsce w latach 1580-1655,* Warszawa 1976, p. 63.

days during the harvest period.[22] Some villages close to the *Vorwerk* remained with their of money obligations and henceforth had to carry the whole burden of corvée labour. There were several reasons for this new strategy of the demesnes, initiated by the ducal administration in Königsberg.

On the one hand the demesnes tried to counteract the continuous devaluation of the money rent. However, due to the fixation of the money obligations in the privileges of the villages, the money rent could only be raised if the labour rent was reduced. On the other hand the demesnes wanted to get rid of the surplus of corvée labour, especially as the expansion of grain cultivation had come to its end. The first decade of the 17th century, moreover, saw a stagnation of the long-term grain price trend. Therefore it seemed most favourable for the demesnes to extract the feudal rent directly in the form of money, thus reducing the risk of grain production and sale by shifting it to the peasant's shoulders to a considerable extent.

To compensate for the loss of corvée labour the demesnes extended their wage-labour sector. The farms increased their servant's staff, in several cases employing special ploughmen (*Rattayer*). The *Rattayer* did the tilling work with the *Vorwerk*'s ox-teams or horse-teams, done before by the peasants or their yokes.[23]

Tab. 2. **Annual wages at Vorwerk Mörlin, demesne Osterode, 1615-19**

Administrator and wife	*16 Marks*
1. Hind	*12 Marks*
2. Hind	*12 Marks*
3. Hind	*12 Marks*
1. Dairy-maid	*4 Marks 30 Schillings*
2. Dairy-maid	*4 Marks 30 Schillings*
Herdsman	*12 Marks*
Swineherd	*6 Marks*
1. Ploughman	*13 Marks (including 3 Marks of "milk-money")*
2. Ploughman	*13 Marks*
3. Ploughman	*13 Marks*
4. Ploughman	*13 Marks*
5. Ploughman	*13 Marks*
Summa	***144 Marks***

The ploughmen were the best paid farm servants (Table 2), they not only received the highest wages – besides the administrator – but also an allowance in kind consisting per capita of 16 *Scheffel* (664 kilograms) of rye, 2 *Scheffel* or barley,

[22] G. AUBIN, *Zur Geschichte des gutsherrlich-bäuerlichen Verhältnisses in Ostpreußen von der Gründung des Ordensstaates bis zur Steinschen Reform*, Leipzig 1910, pp. 144-146; M. NORTH, *Amtswirtschaften*, pp. 77f., 117.

[23] H.-H. WÄCHTER, *Ostpreussische Domänenvorwerke im 16. und 17. Jahrhundert*, Würzburg 1958, pp. 68f.

oats and peas, one flitch of bacon, one lard, half a ton of salt (70 Kilograms) and one ton (137 litres) of beer. Moreover the *Rattayer* had houses and gardens without payment.

Besides the employment of ploughmen and new hinds the demesnes, to a greater extent, had to make use of the *Gärtner*, the rural labour reserve. In addition to their handy man services in the *Vorwerke,* the *Gärtner* were urgently needed for the field work and above all as carters for the many different transports. The growing demand for *Gärtner* labour is clearly shown in the demesnes' food expenses, increasing significantly from the second decade of the 17th century, since the *Gärtners'* work was nearly exclusively paid for in bread and beer.[24]

Considering the demesnes' balance of labour supply some years after the introduction of *Hochzins*, we can state that the farm servants and the Gärtner together with the remaining corvée-obliged peasants were able to perform the necessary tilling work on the fields. However, in the harvest time the demesnes felt a severe shortage of hands. Indeed, the *Rattayer* with their ox-teams managed to substitute the peasants' yokers but they could not compensate the peasants' hand-corvée during the harvest at all. That is why; the *Gärtner* had to carry the major burden of the harvesting. Moreover, citizens of the little Prussian towns were hired as day-labourers for bread and beer (co-called *Talcken*) in order to finish the harvest in time. Facing these difficulties in labour supply during the harvest period, yet we have to emphasize the positive effects to the change in the feudal rent on the demesnes' total revenue. Due to the transformation of the peasants' labour obligations into money rents the ducal demesnes' revenue from money rent rose threefold, whilst the increase in expenses for wages in money and in food did not exceed 30 per cent.

However, in the eyes of the ducal auditors in Königsberg, examining the demesnes' annual accounts, the situation of the demesnes did not look so favourable. But the auditor's view at the profitability of the demesnes differs fundamentally from our modern view. Whereas in modern economics all components of production enter into the profit and loss account, the Early Modern auditors considered only the expenses in money and kind. Therefore the ducal administration and the noble landowners in general regarded a *Vorwerk* based on corvée labour as profitable, because the labour cost nothing, whilst wage labour raised the costs of production. This attitude is clearly expressed in the auditors' annual commentaries on the demesnes' accounts, in the profit and loss calculations and especially in an evaluation of the work and the costs of the *Rattayer* employed in the *Vorwerk* Mörlin of the Osterode demesne (in the south-western part of Ducal Prussia). According to the administration's calculation (Table 3) the wages in money, the allowance in victuals for the meanwhile four *Rattayer*, and the food for the *Gärtner* working additionally on the *Vorwerk* fields added up to an amount of 217 Marks and 56 Schillings.

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[24] GEHEIMES STAATSARCHIV PREUßISCHER KULTURBESITZ BERLIN, *Staatsarchiv Königsberg*, Ostpreußische Folinaten 8214ff.

Tab. 3. **Costs of the *Rattayer* work at *Vorwerk* Mörlin, 1621**[25]

Wages including "milk-money" for 4 Rattayer	52 Marks
68 *Scheffel* or rye	68 Marks
8 *Scheffel* or barley	8 Marks
8 *Scheffel* or peas	10 Marks
1 ton of beer	5 Marks
8 tons of table beer	8 Marks
4 flitches of bacon	12 Marks
4 lards	3 Marks
1 ton of salt	5 Marks
Gärtner wages in bread and beer	46 Marks 56 Schillings
Summa	**217 Marks 56 Schillings**

To reduce these high costs the ducal administration ordered in 1621 the dismission of the *Rattayer* and to run the *Vorwerk* Mörlin by corvée labour again. Two villages close to the *Vorwerk* were obliged to do the corvée labour, while their money rent was reduced by one Mark per *Hufe*. This meant a loss of money rent of 106 Marks but a general saving for the demesnes of at least 111 Marks 56 Schillings, not regarding the savings for the ploughmen's houses and gardens and the harness for the horse- or ox-teams. This saving in money, however, meant at the same time a loss of productivity, due to the lower efficiency – compared with wage labour – of corvée labour resulting from the peasants' resistance.

Looking at the stage of costs once more another fact attracts our attention: the proportion of the *Rattayer's* wages in money to their wages in food and drink. It was a characteristic feature of the Early Modern agriculture in Ducal Prussia, and as far as I know in all of Central Europe[26], that the farm servants' wages in money at maximum did not exceed one third of the total wage, whilst the wages in food and drink calculated in money added up to more than two thirds of the total wage.

These high expenses of victuals – and not the constant wages in money – were the crucial point in the attitude of the ducal administration towards wage labour in the demesnes. But a reduction of the expenses of grain and beer in order to raise the market proportion meant a reduction in the number of farm servants. In this way of rigid saving the Königsberg administration tried to get along during the rest of the 17th century. All over the country the demesnes dismissed the ploughmen and several other servants, substituting their work by corvée labour for the peasantry.[27] Moreover, the secular depression and the shrinkage in population, due to the heavy damage caused by the Polish-Swedish wars of the 1620s and 1650s, brought the majority of the peasants back the feudal labour obligations. Since many demesnes urgently needed the services of the remaining peasants for the rebuilding and the recultivation of the estates, the monetization of feudal obligations and thus the monetization of rural work relationships was significantly reduced.

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[25] *Ibid.*, Ostpreußischer Foliant 12686, fol. 139, 139v.

[26] For Poland see: A. WYCZAŃSKI, *Studia nad gospodarką starostwa korczyńskiego 1500-1660*, Warszawa 1964, p. 172f.

[27] H.-H. WÄCHTER, *Domänenvorwerke*, 69.

Whereas the demesnes' arable acreage shrank and the number of farm servants and peasant population decreased, there was only one group of the rural population which seemed not be affected by the general regression in the demesnes' economy: the *Gärtner*. On the contrary, the desertion of the villages and the farms' demand for working hands gave the *Gärtner* the opportunity of social advancement by extending their holdings. Indeed, the services of the *Gärtner* were the most important element of the demesnes' labour supply besides the peasant corvée. Therefore the demesnes made great efforts to settle *Gärtner* on their estates and succeeded in increasing the number of *Gärtner* settling on the *Vorwerk* lands by 20 per cent by the end of the 17th century, whilst the number of farm servants decreased at the same time (1610-1683) by 40 per cent.[28]

The 18th century was the century of reforms in Prussian fiscal and demesne policy. The reforms aimed to raise the revenue of the demesnes

- which had become royal due to the coronation of Frederick I in 1701
- and to improve the economic and social situation of the peasantry.

The projects are well-documented in several memoranda made by fact-finding committees, investigating the use of wage labour on the royal demesnes. Moreover, we have further evidence about the social stratification of rural population with respect to their feudal obligations (Table 4).

Tab 4. **The rural population of East Prussia, 1701-04**[29]

	Royal demesnes	Noble estates	Freemen estates	Total
Peasants with high money rent obligation	5,730	2,607	--	8,337
Peasants with corvée labour obligation	42,205	12,223	--	54,428
Gärtner, other workers and farm servants	27,060	33,937	18,080	79,077

Table 4 clearly shows the small importance of money rents within the feudal obligations of the East Prussian peasantry at the beginning of the 18th century, when 85 per cent of the peasants had to do corvée labour. At first sight the number of *Gärtner*, other agricultural workers and *Vorwerk* servants is astonishing, as it exceeded the peasants in number, especially on the noble estates. Within this group the *Vorwerk* servants constituted a significant share of 40 per cent on the royal demesnes but only 15 per cent on noble estates. The noble estates, to a great extent, depended on the services of farm servants and of agricultural workers, since noble landowners had not sufficient corvée labour at their disposal – about one third of the East Prussian noble *Vorwerke* had to be run exclusively with hired

[28] *Ibid.*, pp. 67, VII (Table 1).

[29] H. PLEHN, *Zur Geschichte der Agrarverfassung von Ost- und Westpreußen*, in "Forschungen zur brandenburgischen und preußischen Geschichte", 17, 1904, pp. 383-466; 18, 1905, p. 88.

labour.[30] So noble landowners prefered the services of agricultural workers to the continuous employment of farms hands.

As regards the royal demesnes the discussion went about the question whether the demesnes' *Vorwerke* could be run exclusively with wage labour. Frederick William I. attempted to introduce the system of the Magdeburg demesnes which was based on the wage labour of farm servants and day-labourers. Indeed the Magdeburg demesnes were prospering, for higher wage expenses were compensated by higher productivity. The King's proposal, however, faced rejection not only by the lease-holders (Arrendatoren) of the East Prussian demesnes but also by the royal administration. The latter pointed out the impracticability of the Magdeburg system in East Prussia for several reasons. As the growing season lasted in East Prussia only five to six months (instead of seven to seven and a half months in Magdeburg) the demesnes required a larger supply of labour in a shorter time that could not be guaranteed exclusively by wage labour. Besides, the majority of the Prussian peasants was not able t pay the increased money rent of 10 Thalers in return for the exemption from the corvée labour duty. But even if the peasants were able to pay the high money rent, the administration argued, the operation costs of a *Vorwerk* based on wage labour would rise by one third, a loss that could not be compensated by higher productivity because of the low fertility of the East Prussian soil. That is why, the administration of the royal demesnes tried to adopt a middle course of mixed labour organization combining the peasants' corvée obligations with an intensified use of wage labour. Having limited the peasants' corvée labour to two days per week between Eastern and Michaelmas and to one day during the rest of the year, the royal administration sketched a model labour organization for the demesnes. According to this plan the labour demand of a demesne *Vorwerk* provided with 15 *Hufen* of arable lands and 6 *Hufen* of grassland had to be satisfied by the corvée labour of 30 peasants and by the wage labour of an administrator, 4 hinds, 8 *Gärtner* and 15 *Kossäten*.[31]

The most interesting of these labourers are the *Kossäten*, emerging throughout the 18th century and becoming the characteristic group of agricultural workers on the large East Prussian estates during the 19th century. Finding enormous difficulties in statisfying the demesnes' labour obligations, the demesne administration not only intensified the settlement of *Gärtner* and other agricultural workers (so-called *Hausleute*) on the *Vorwerke* but created also the new category of *Kossäten*. The *Kossäten* were settled outside the village lands and therefore not members of the village community; they had to do two days of hand-corvée and worked for the rest of the week as day-labourers. The supply of agricultural workers was provided to a considerable extent by the immigration of the protestant Salzburg colonists from the 1730s, when 267 *Kossäten* houses were built.[32] Due to the Salzburg immigration into East Prussia the monetization of rural work relationships advanced since the Salzburg peasants bought their feudal labour obligations by paying a higher money rent; a trend that should continue throughout

[30] *Ibid.*, 1905, p. 68.

[31] A. SKALWEIT, *Die ostpreussische Domänenverwaltung unter Friedrich Wilhelm I. und das Retablissment Litauens*, Leipzig 1906, p. 183.

[32] *Ibid.*, p. 186.

the 18th century until the final abolition of "hereditary serfdom" in 1807 which necessarily put the rural work relationships on a new monetary basis.

HOLSTEIN AND POMERANIA

Holstein and especially Pomerania, due to the devastations of the Thirty Years War, witnessed a depression period in the 17th and early 18th centuries.[33] During this period, characterized by a stagnation of the long-term grain price trend, the landowners adopted different crisis strategies. Royal and ducal demesnes reduced their arable acreage and thus the quantity of corvée obligations, instead extracting the feudal rent directly in the form of money, in order to avoid risks in grain producing and marketing by shifting that risk on to the peasants' shoulders. Furthermore specialization in dairy-farming helped to overcome the crisis in the early 18th century. The noble manors, on the contrary, tried to counteract the crisis by reducing production costs and increasing their market share. They often combined the expansion of grain production with investments in dairy-farming.[34] Therefore, noble manors increased the corvée obligations of their. For example they increased corvée obligations to a daily corvée with two horseteams (8 horses, 5 men) in Schleswig-Holstein and to 4-6 days a week in Swedish Pomerania. Peasants hat to hire extra wage labourers to fulfill their corvée obligations.[35]

The 18th century was a century of reforms in Schleswig-Holstein manorial policy.[36] The reforms were designed to increase the revenue of the royal and ducal demesnes and to improve the economic and social situation of the peasantry. The reformers realized that corvée labour(ers) were unproductive, while the expenses of wage labour(ers) were compensated by higher productivity. Therefore they gave money rents and wage labour a priority over labour rent and reduced and abolished royal demesne farming, over the long run. Since the 1760s, demesnes (*Vorwerke*) were dissolved and separated from the acreage of the village communities. Subdividing the *Vorwerke* and letting these holdings to the peasants, the demesne administrations worked the remaining land with wage labour.

Separation meant that every separated peasant received an individual piece of land on lease that he could exploit separately from the village community. The peasants were released from serfdom and could lease or buy their farms. Necessary preconditions for the shift to money rents were well-to-do peasants who were able to pay increased money rent for the exemption of corvée labour and a sufficient wage-labour supply. Both conditions were met by rising grain prices and population growth in the second half of the 18th century. In Schleswig-Holstein, noble landowners voluntarily followed this model and released their peasants from

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[33] For Schleswig-Holstein see: C. PORSKROG RASMUSSEN, *Forms of Serfdom and Bondage in the Danish Monarchy*, in this volume, pp. 281-290.

[34] C. PORSKROG RASMUSSEN, *Innovative Feudalism. The Development of Dairy Farming and Koppelwirtschaft on Manors in Schleswig-Holstein in the Seventeenth and Eighteenth Centuries*, in "Agricultural History Review", 58, 2010, 2, pp. 172-190.

[35] R. SCHILLING, *Schwedisch-Pommern um 1700*, Weimar 1989, p. 45.

[36] W. PRANGE, *Die Anfänge der großen Agrarreformen in Schleswig-Holstein bis um 1771*, Neumünster 1971 (Quellen und Forschungen zur Geschichte Schleswig-Holsteins, 60).

hereditary serfdom in 1805. This fostered the ongoing transition to agrarian capitalism, whereby the former peasants became temporary leaseholders and the manors made use of wage labour of the *Kätner* or *Insten* (as the *Kossäten* were called in Schleswig-Holstein).[37] In Swedish Pomerania hereditary serfdom was abolished by the Royal decree of 1806. In Prussia peasants of the noble manors gained personal freedom by the reforms of Stein and Hardenberg in 1807, but they had to pay for the exemption of corvée labour and to buy their holdings (decrees of 1811, 1816, 1821).

SUMMARY

In summary, how intensely a demesne used wage labour was determined by the supply of corvée labour available for the demesne, varying due to the demographical trends, since an increase in peasant population brought about a surplus of corvée labour, whilst a decrease caused a shortage of labour supply. The supply of working hands on a wage basis was determined in the same way. Therefore in times of surplus of corvée labour and working hands it was favourable for the demesnes to employ more farm servants, getting rid of a part of the corvée labour in return for money rent, thus stimulating the monetization of rural work relationships. In times of shortage of corvée labour and working hands, on the contrary, all available corvée labour and the services of the agricultural workers had to be exploited, thus limiting the monetization of work relationships. Moreover, the rather unproductive exploitation of labour was a characteristic feature in the labour organization of Eastern Europe' Early Modern agriculture, giving more favour to the use of corvée labour than to its substitution by wage labour, since *Vorwerk* administration preferred the unproductive exploitation of abundant corvée labour to the efficient use of a limited number of wage labourers.

The noble estates had to make more efficient use of the labour supply, because they were not sufficiently provided with corvée labour. However, the high proportion of wage labour in noble demesne farming did not encourage the monetization of work relationships on the noble estates, since most of the work was done by *Gärtner* and other day-labourers, obliged to work on the manor's lands in return for a payment in bread and beer, even though payments in money gradually gained importance during the 18th century.

Market conditions could also facilitate wage labour, when in times of depression labour services were abolished or reduced and the risk of production shifted on the peasant shoulders. Furthermore, rising grain prices could also as in the 18th century be an incentive to commercialize the agrarian production, thus preferring wage labour in comparison to corvée labour. Of importance was the distance to the markets. When peasants could not sell their product, they had no

[37] C. PORSKROG RASMUSSEN, *An English or a Continental Way? The Great Agrarian Reforms in Denmark and Schlewig-Holstein in the Eighteenth Century*, in *Contexts of Property in Europe: The Social Embeddedness of Property Rights in Land in Historical Perspective*, R. CONGOST, R. SANTOS eds., Turnhout 2010, pp. 125-144.

incentive to become economically independent and preferred to rely on the maintenance of the manors.

The expansion of manorial economy was accompanied by continuous peasants' resistance which included the boycott of corvée labour obligations, law suits and defection from the manors (to a city or another jurisdiction.[38] In the 18th century peasants' resistance showed a new quality. Apart from individual resistance, groups of peasants, but especially the hinds and wage labourers sent by the peasants to fulfill their corvée obligations, decided when and how long to work on the fields of the manors. The coercion apparatus did no longer work, at least in Schleswig-Holstein. Furthermore, a considerable number of the peasants had left the manors and territories, and cities such as Hamburg or Lübeck never sent them back. Thus, abolition of serfdom followed reality in these territories, where it had become obsolete and was no longer enforceable.[39]

[38] J. PETERS, *Eigensinn und Widerstand im Alltag*, in "Jahrbuch für Wirtschaftsgeschichte", 1991, 2, p. 94f.

[39] K.-S. KRAMER, U. WILKENS, *Volksleben in einem holsteinschen Gutsbezirk*, Neumünster 1979, pp. 41-59; S. GÖTTSCH, *„Alle für einen Mann ..." Leibeigene und Widerständigkeit in Schleswig-Holstein im 18. Jahrhundert*, Kiel 1992.

Pere Orti Gost, Lluís To Figueras

Serfdom and Standards of Living of the Catalan Peasantry before and after the Black Death of 1348[1]

Serfdom has been a crucial component in the historiography of Catalonia ever since the nineteenth century in large part because of the revolt of the *remença* peasants, the Catalan serfs, in the later Middle Ages.[2] Peasant servitude, however, also became a relevant issue because the *remença* revolt was itself part and parcel of the Catalan Civil War from 1462 to 1472; this political crisis in turn served as a milestone for the nationalistic historiographies that took shape around 1900 since these upheavels formed the background of the union of the Crowns of Castile and Aragon, the starting point of one nation or the end of another, depending upon one's point of view.[3] This interference of anachronistic political analysis on a social conflict was already attested by Wladimir Piskorski in the late nineteenth century,[4] and persisted during the first decades of the twentieth even if with Jaume Vicens Vives and Pierre Vilar, fifteenth century conflicts began to be interpreted in social and economic terms within the context of the so called "late medieval crisis". However, by adopting a similar discourse and limiting themselves to the same sources that earlier generations had used, both historians in the end basically re-told the traditional political history with a focus on social and economic structures.[5] This historical tradition has defined Catalan serfdom in legal terms, and implied that this social group with restricted individual liberties should lie at the bottom of social and economic hierarchies. In this sense, the survival of serfdom in Eastern Europe until the nineteenth century and the interest devoted to medieval serfdom by Russian historiography has been critical for the success of this interpretation.[6] Moreover

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[2] For a recent overview of the topic see: J. FERNÁNDEZ TRABAL, *El conflicte remença a la Catalunya del segle XV (1388-1486)*, in "Afers", 42/43, 2002, pp. 587-624; for 19th century historiography see the critical presentation in J. VICENS VIVES, *Historia de los remensas en el siglo XV*, Barcelona 1945, pp. 7-11.

[3] There is an excellent epitaph of this historiographical tradition in R. D'ABADAL I DE VINYALS, *Pere el Cerimoniós i els inicis de la decadència de Catalunya*, Barcelona 1972.

[4] Piskorski claimed that "Besides acknowleding such a relevance to the "bad customs" there has not been a serious research devoted to them, nor to a lot of issues related to the history of Catalan peasantry and the changes experienced by its legal and economic status between medieval and early modern times. If these issues are adressed in historical literature, it is only in passing, for its conection with some other, more general ones, pertaining to the field of Political History and Law. Historians and Jurists judgements about the origins of the "bad customs" and their specific signifiance are contradictory and superficial, because based upon a scant knwoldege of sources, mainly Chronicles and Acts. Accordingly the issue keeps being object of doubts and debates without a serious research able to clarify them", W. PISKORSKI, *El problema de la significación y del origen de los seis "malos usos" en Cataluña,* Barcelona 1929, p. 5.

[5] J. VICENS VIVES, *Els Trastàmares (segle XV)*, Barcelona 1956; P. VILAR, *Catalunya dins l'Espanya moderna*, Barcelona 1964, II, pp. 139-224.

[6] P. GATRELL, *Historians and peasants: studies of medieval english society in a russian context*, in "Past and Present", 96, 1982, pp. 22-50.

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantecinquesima settimana di studi", 14-18 aprile 2013*

this scholarship connected with a European historiography which, at the time, considered serfdom a general feature of medieval peasantry.

Unlike what happened in many European historiographies during the second half of the twentieth century, the turn of Vicens Vives and Vilar did not go along with a progress in social and economic historical knowledge which could address and review the social conflict in the Catalan countryside during the late Middle Ages. Starting with Pierre Bonnassies' thesis, published in 1975-76, medievalists have concentrated on the origins of serfdom.[7] All this can explain why the main reflections on the consequences of the late medieval revolt have come from early modern historians, without new research on medieval sources they tend to work on the evidence already used by Vicens and Vilar.[8]

The short presentation offered here about the long scholarly tradition devoted to Catalan serfdom help explain why the image of the *remença* peasants has not changed significantly since the beginning of the twentieth century: *remença* peasants are still generally considered not only to lack personal freedom but also to struggle desperately merely to survive. According to the traditional understanding of the historical forces in play, the economic and social status of Catalan serfs sank significantly during the fourteenth and fifteenth centuries. A seigniorial reaction set in against the *remença* serfs as lords tried to compensate for the diminishing income received from their peasants after the Black Death by exploiting them even more harshly. Such a seigniorial reaction lies at the root of the standard explanation for the peasants' revolt which despite its defeat put an end to serfdom through an arbitration imposed by the king. This ushered in an era of social and economic improvent for the descendents of those who took up arms against their lords.

The goal of our paper is to challenge one of the key assumptions upon which the traditional interpretation of the *remença* revolt rests, namely, that the economic position of the *remença* peasant was worsening in the late Middle Ages. We will concentrate on three different indicators that can be used to determine the relative wealth of Catalan serfs:[9] (i) the size of individual tenancies found in estate surveys, (ii) the monetary amount of dowries found in marriage contracts recorded in notarial registers, and (iii) the type of moveable goods, including livestock, tools, and weapons, that are recorded in the postmortem inventories of individual peasant households and documented notarial registers.

1. Size of peasant holdings

There are several useful indicators in the rich Catalan archives that can be used to characterize the servile peasantry of the late Middle Ages. One of the most obvious is the landholding. Catalan peasants held farmsteads, that is *masos* (sing. *mansus,* pl. *mansi* in Latin; sing. *mas*, pl. *masos* in Catalan) which included at least a building and several plots of land. Serfdom forced peasants to reside permanently in these farmsteads. Lords imposed this constraint in contracts through which they leased the *masos* and reiterated it in periodic estate surveys (*capbreus* in Catalan) which were formalized by a notary. Such inventories or surveys included detailed lists of parcels of land and other appurtenances belonging to each

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[7] P. Bonnassie, *La Catalogne du milieu du Xᵉ à la fin du XIᵉ siècle*, Toulouse 1975-1976, P. Freedman, *The Origins of Peasant Servitude in Medieval Catalonia*, Cambridge 1991, L. To Figueras, *Servitude et mobilité pausanne: les origines de la "remença" catalane (XIIᵉ-XIIIᵉ siècle)*, in "Mélanges de l'École française de Rome", 112, 2000, 2, pp. 827-865, P. Benito i Monclús, *Senyoria de la terra i tinença pagesa al comtat de Barcelona (segles XI-XIII)*, Barcelona 2003, V. Farías Zurita, *El mas i la vila a la Catalunya medieval*, València 2009.

[8] E. Serra Puig, *El règim feudal català abans i després de la Sentència Arbitral de Guadalupe*, in "Recerques", 10, 1980, pp. 17-32; P. Gifre Ribas, *Els senyors útils i propietaris de mas. La formació històrica d'un grup social pagès (vegueria de Girona, s. XVI-XVII)*, Barcelona 2012.

[9] Following the classical work by C. Dyer, *Standards of living in the later Middle Ages: social change in England, c. 1200-1520*, Cambridge 1989.

mas, along with rents and services owed by the peasants to the lord. These surveys were the main tools with which lords could proof and guarantee their rights over the land and the peasants living on it, an thus ascertain their lordship and demand the payment of rents and other dues. In the region of Girona, many lords commissioned surveys of this kind in the fourteenth and fifteenth century, and a substantial number are still extant in local archives.[10] A distinguishing feature of this region is the fragmentation of lordship. In every village or parish several lords partitioned rights over the land and peasants. Land under cultivation was also highly fragmented: each *mas* contained numerous scattered fields not always subject to the same lord, turning the countryside into a complex maze.

Here we will explore the evolution of the peasantry through two examples, both ecclesiastical domains in the diocese of Girona in Northeastern Catalonia. In the Middle Ages this area was characterized by servile status for all peasants holding a *mas*. Both domains were also located near a small town. The first was the domain of the canons of the cathedral of Girona in the Aro Valley, which formed part of the rural hinterland of Sant Feliu de Guíxols, a small town on the Mediterranean coast 33 km southeast of Girona; the second was the domain of the Benedictine monks of Santa Maria d'Amer, which lay in a valley that includes a small town (also called Amer) built next to the abbey 25 km west of Girona. Interaction between the rural economy and these small urban centres was a crucial feature of late medieval Catalan society.

In 1344 the canons of the cathedral of Santa Maria de Girona commissioned an estate survey (*capbreu*) of their domain in the Aro Valley. This *capbreu* was later updated in 1432-34 and again in 1506. Following local custom, any peasant holding a *mas* from the lord (in this case the cathedral canons), had to declare in the survey all properties and all the individual components that made up their tenancy.[11] In addition to houses and plots of land held from the canons, their tenancy might include other plots of land held from other lords such as the abbot of Sant Feliu de Guíxols, whose domains also covered a large part of the Aro Valley. Yet those who held a *mas* from another lord (such as the abbot of Sant Feliu de Guíxols), only declared in the estate survey those lands which they held from the canons of Girona, generally auxiliary lands and not the core land of the *mas*. As a result the list of their parcels was incomplete in the canons' survey. Some peasants also appear who did not hold a *mas*. These individuals were mainly the inhabitants of Castell d'Aro, a fortified hamlet built around the castle that gives its name to the settlement which the canons had acquired from a noble family by the mid-twelfth century.[12] In consequence the domain of the cathedral as recorded in the *capbreu* consisted of several *masos* and lesser holdings located in the parish of Santa Cristina d'Aro or, more precisely, that were scattered throughout the valley. As already stated only those who held a *mas* from the canons presented a full and complete list of their fields and other appurtenances, and for this reason these are the only ones useful for an accurate assessment of the size of their tenancies (see Table 1).

The first extant survey of the canons domain in the Aro Valley, made by the notary Berenguer Poch upon the request of canon Antoni de Galiana in 1344, provides an exceptionally full and accurate description of the *masos* held by serfs. The information becomes even more valuable because of the revisions made in the subsequent surveys of

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[10] E. MALLORQUÍ, *Les campagnes de Gérone (Catalogne) au travers des capbreus de la première moitié du XIVe siècle*, in *Terriers et plans-terriers du XIIIe au XVIIIe siècle. Actes du colloque de Paris 23-25 septembre 1998*, ed. G. BRUNEL, O. GUYOTJEANNIN, J. M. MORICEAU, Paris 2002, pp. 343-360; X. SOLDEVILA, *Els capbreus de Fontanilles (1323-1334). Hipòtesis sobre la pagesia catalana medieval*, in "Annals de l'Institut d'Estudis Gironins", 35, 1995, pp. 123-156; *Dels capbreus al registre de la proprietat. Drets, títols i usos socials de la informació a Catalunya (segles XIV-XX)*, ed. R. CONGOST, Girona 2008.

[11] J. M. PONS GURI, *Les col·leccions de costums de Girona*, Barcelona 1988, pp. 127 y 301, art. XIX.21.

[12] J. BADIA, *L'arquitectura medieval de l'Empordà*, Girona 1977, I, *Baix Empordà*, pp. 139-148; J. BLANCO, *El monestir de Sant Feliu de Guíxols (segles X-XI). La formació del domini*, Sant Feliu de Guíxols 1991, pp. 68-69, 99-103.

1432-34, 1476 (although only partially completed), and 1506. The updated inventories took into account all the information contained in the previous survey and tried to revise a wide range of information in great detail, including the name of the current head of household, the transfer of parcels of land to new owners, who are named, and a list of all sales and purchases made by the tenants of every *mas*.[13] Overall, the 1344 survey reveals that servile tenants with *masos* held most of the land in this ecclesiastical domain. Only a small portion of the canons' estates were either reserved for the seigniorial demesne, or held by the villagers of Castell d'Aro or tenants of lesser holdings. Later on, the survey updates of 1432-34 and 1506 show an even larger proportion of land being held in the form of *masos* because the inhabitants of Castell d'Aro had diminished in number and lesser holdings had virtually disappeared. *Masos* also often included woods and scrubland, which outside of Catalonia was usually considered a communal resource but here formed part of the farmstead.

The individual entries detailing the constituent parts attached to each *mas* always begin with a personal recognition by the tenant that he (or in rare cases she) is his lord's man, his *homo proprius et solidus* and committed to reside there permanently because of the *mas* he holds. Tenants also recognized in formulaic clauses that they were subject to the characteristically servile "bad customs" (*mals usos*) and the redemption fee (*remença*) owed by men and women leaving the *mas*, which gave its name to the servile peasants in Catalonia.[14] Therefore tenants of *masos* in the Aro Valley were undoubtelly serfs in 1344 and, according to the subsequent updates which reproduce the identical personal oath and recognition of dependence, they remained so until the end of the fifteenth century.

The 1344 estate survey (*capbreu*) recorded declarations from 36 tenants of *masos* from the parish of Santa Cristina d'Aro, including also four other *masos* previously aggregated by one of the 36.[15] We wish to emphasize that these were the only tenancies for which the survey recorded a complet list of their fields and appurtenances. This earliest survey for the Aro Valley not only gives a detailed account of the elements constituing each holding but also provides a relatively rare but significant additional piece of information: the surface area of each parcel.[16] As shown in table 1 the land held by those 36 *masos* amounts to a total of

[13] The original survey (*capbreu*) of 1344 has been preserved incomplete in several parchments: ARXIU DE CATEDRAL DE GIRONA (ACG), parchments, 140, 141 and 142. It is possible to reconstitute lost fragments of the original from a copy made in the sixteenth century preserved in the same archive and from a copy used as a preliminary draft for the 1432-34 survey: ARXIU HISTÒRIC DE GIRONA (AHG), *notaria de la vall d'Aro*, vol. 254. The 1432-34 survey is also partly preserved in some parchments (AHG, 256), but mainly in a copy in paper kept at the AHG, *notaria de la vall d'Aro*, vol. 209. An unfinished update of this survey, in 1476, is preseved in a volume in paper: AHG, *notaria de la vall* d'Aro, vol. 257. A copy of a new update done in 1506 is kept in ACG, *Pabordia de juliol*, 1506 survey. On these surveys and updates: L. TO FIGUERAS, *Posar al dia un capbreu: el control de les transaccions de terres del capitol de la Seu de Girona (Vall d'Aro, segles XIV-XV)*, in *Dels capbreus al registre de la propietat. Drets, títols i usos socials de la informació a Catalunya (segles XIV-XX)*, ed. R. CONGOST, Girona 2008, p. 33-80.

[14] See, for instance: *Noverint universi quod ego, Petrus Olei de Canyeto, parrochie Sancte Christine de Aredo, gratis et ex certa scientia, confiteor et recognosco vobis, Anthonio de Galiana, canonico et preposito prepositure mensis iulii in ecclesia gerundensis (…), me esse hominem proprium et solidum dicte prepositure cum omni prole mea nata et de cetero nascitura, ratione mansate mee infrascripte pro quam mansata dicta prepositura consuevit et debet perpetuo habere personas in hospitio ipsius mansate personalem residentiam facientes in quibus ipsa prepositura habet et habere debet intestias, exorquias, intratas, redemptiones hominum et mulierum ceteraque iura et servitia quam dominus directus et naturalis habere debet in suis hominibus propriis et solidis tam de consuetudine quam de iure, et quod teneo et tenere debeo, egoque et predecessores mei tenere consuevimus, pro dicta prepositura et sub eius dominio directo in parrochia predicta quandam mansatam meam, vocatam* Oli, *que antiquitus vocabatur mansus Ermangaudi, et terras, honores, censos, agrarias, possessiones et tenedones inferius particulariter scriptas*; ACG, Pabordia de Juliol, parchment 141.

[15] Mas Aulet and Mas Martí appear among the lands listed by the tenant of Mas Torre from the domain of Sant Feliu de Guíxols, Mas Roart had been previously incorporated into Mas Barceló; and Mas Cornet had been split between tenants of Mas Sicarts and Mas Boscà.

[16] The unit of surface used in the survey is the *vessana*, slightly over a fifth of an hectare (2,187.432 m^2) subdivided into eight *saions*: C. ALSINA, G. FELIU, L. MARQUET, *Pesos, mides i mesures dels Països Catalans*, Barcelona 1990, p. 242 and 230.

2,825.9 hectares, including not only plots of land of the canons domain but also parcels they held from other lords.

As already noted, each *mas* had at least one house where peasants were required to take up permanent residence, one of the main servile constraints imposed on them. This main dwelling (*caput mansum*) was surrounded by ancillary structures: a threshing floor, courtyard, garden and usually a large parcel called *quintana* (eleven of the 36 *masos* had a *quintana* next to the house), and either in addition to or in place of the *quintana*, there is often a fodder field (*ferraginale*). In eight examples the *quintana* had a surface of two hectares or more, an important part of the total amount of arable land held by each tenant (more than a fourth of the total in two cases). Several peasants also held a woodland; Mas Savall and Mas Oliver had more than 20 hectares of forest each. In addition, the *masos* contained a relatively high number of arable parcels that contemporary charters describe with a variety of terms (*quadre, feixa, peça, camp et al.*), all precisely situated with a micro-toponym and its boundaries.

The number of individually identified parcels ranges from nine at Mas Llorenç to 69 at Mas Forner, but the majority of the *masos* contain between 20 and 50 individual fields or appurtenances. The high number of micro-toponyms (33 in the case of Mas Oller) is a good indicator of the geographical dispersion of fields in the parish. The 36 manses contained in total 1,233 individual elements (houses, courtyards, gardens, fields, vineyards *et al.*). Most of the individual fields where quite small, usually less than one fifth of a hectare. Inevitably in such a large amount of information, there is a certain degree of ambiguity and inaccuracy in individual entries, and in some cases the scribe simply failed to write down the surface area. Consequently the size of each tenancy is only an approximation, but it does at the very least provide a rough minimum number for the actual size of farmsteads. Table 1 displays the total surface area and the composition of individual elements of *masos* by adding up all the information available in the 1344 survey and later updates.

Table 1. ***Masos*** **of the domain of the canons of Girona in the parish of Santa Cristina d'Aro**

Name	1344					1432					1506				
	num. items	parcels num. parcels	parcels with surface	surface in *ressanes*	surface in hectares	num. items	parcels num. parcels	parcels with surface	surface in *ressanes*	surface in hectares	num. items	parcels num. parcels	parcels with surface	surface in *ressanes*	surface in hectares
Barceló	39	39	38	87.6	19.2	23	23	23	118.0	25.8	25	25	23	115.4	25.2
Boscà	36	36	30	74.3	16.2	44	43	32	70.8	15.5	30	28	21	37.8	8.3
Bussot	51	49	49	120.8	26.4	34	33	33	97.8	21.4	23	22	20	60.3	13.2
Calvera	24	24	24	43.5	9.5	45	45	45	98.4	21.5	44	44	42	91.8	20.1
Carbonell (Ravell)	42	42	42	49.4	10.8	38	37	37	81.2	17.8	47	46	43	122.9	26.9
Cifra	29	29	29	144.6	31.6	46	46	28	115.1	25.2	26	26	22	193.5	42.3
Corb	36	36	36	68.5	15.0	24	24	22	82.1	18.0	14	14	13	61.8	13.5
Eibelí	51	51	51	78.3	17.1	28	28	28	55.4	12.1	23	22	22	47.3	10.3
Eimeric (Lunell)	NON RECORDED					DESERTED					DESERTED				
Ferrer	31	30	28	37.6	8.2	35	34	30	53.4	11.7	36	35	33	72.9	15.9
Forner	71	69	66	36.6	8.0	DESERTED					DESERTED				
Fortuny (Blanc)	40	38	37	79.0	17.3	DESERTED					DESERTED				
Glori (Ametller)	15	15	14	46.4	10.2	DESERTED					DESERTED				
Groart	37	37	35	129.5	28.3	31	31	30	132.6	29.0	35	34	30	130.6	28.6
Jaspert	26	26	26	78.6	17.2	DESERTED					DESERTED				
Julià (Andreu Vidal)	55	52	52	85.0	18.6	36	33	32	66.0	14.4	22	19	18	59.5	13.0
Llorenç	9	9	9	26.6	5.8	DESERTED					DESERTED				
Major	29	29	28	46.7	10.2	DESERTED					DESERTED				
Martí	34	34	34	80.1	17.5	DESERTED					DESERTED				
Mates	19	18	17	32.8	7.2	DESERTED					DESERTED				
Medir	47	47	44	74.3	16.2	61	60	35	66.5	14.5	35	35	26	63.4	13.9
Mola	62	62	62	192.6	42.1	58	58	58	175.6	38.4	96	95	92	264.2	57.8
Oli (Torrelles)	32	31	31	101.1	22.1	10	10	8	63.4	13.9	16	16	12	82.8	18.1
Oliver	47	46	45	154.9	33.9	51	51	51	196.0	42.9	53	53	51	196.4	43.0
Oller (Douçà)	58	58	58	79.4	17.4	42	42	42	90.5	19.8	44	44	38	63.0	13.8
Perarnau	38	38	33	51.7	11.3	DESERTED					DESERTED				
Pla	17	17	17	30.0	6.6	27	25	18	35.3	7.7	19	19	18	38.1	8.3
Puig	18	17	16	73.0	16.0	21	20	17	78.5	17.2	25	24	22	86.1	18.8

Name	1344					1432					1506				
	num.	parcels				num.	parcels				num.	parcels			
	items	num. parcels	parcels with surface	surface in *vessanes*	surface in hectares	items	num. parcels	parcels with surface	surface in *vessanes*	surface in hectares	items	num. parcels	parcels with surface	surface in *vessanes*	surface in hectares
Sacosta	22	22	22	42.8	9.4	DESERTED					DESERTED				
Saguer	26	23	23	148.6	32.5	31	31	31	199.9	43.7	29	29	25	167.4	36.6
Savall	24	21	21	136.9	29.9	NON RECORDED					DESERTED				
Sitjar	22	22	22	86.5	18.9	24	24	24	78.4	17.1	29	29	26	91.9	20.1
Sunyer	26	26	26	77.6	17.0	17	17	16	69.0	15.1	14	14	13	53.5	11.7
Terrats de Castell d'Aro	15	13	13	38.3	8.4	DESERTED					DESERTED				
Terrats	45	44	44	89.8	19.6	18	17	17	55.3	12.1	DESERTED				
Venrell	40	40	38	77.6	17.0	34	31	31	70.0	15.3	34	30	28	72.3	15.8
Xicola	20	19	18	25.1	5.5	19	17	16	38.1	8.3	24	21	21	47.7	10.4
TOTAL	1,233	1,209	1,178	2,825.9	618.1	797	780	704	2,187.1	478.4	743	724	659	2,220.1	485.6
TOTAL RECORDED MANSES	36					24					23				
TOTAL INHABITED MANSES	37					25					23				

Table 1 illustrates the diversity of farmsteads in fourteenth and fifteenth centuries. In 1344 a huge gap separated the substantial 42.1 hectares of Mas Mola from the humble 5.5 hectares of Mas Xicola. Qualitative differences accentuate the contrast in size. Among the largest farmsteads, Mas Oliver not only had many fields attached to it but also a spacious woodland; this partially explains its size. Another farmstead with an unusual large amount of land is Mas Saguer, where the bailiff lived. The bailiff performed the local administrative duties for the canons and received annual payments from his neighbors, which are also listed in the 1344 survey and the later updates.[17] Three *masos* had mills, another one had a smithy, and others had olive groves and vineyards, all indications of agricultural specialization that nuances the rough picture created by land measurements. The data from the 1344 *capbreu* nevertheless leads to the conclusion that servile peasants in this domain held for the most part substantial farmsteads usually of more than 10 hectares. Only nine of 36 farmsteads (25%) fell below this threshold, and 14 contained more than 15 hectares (see Table 2).

Table 2. ***Masos* of the domain of the canons of the parish of Santa Cristina d'Aro, showing distribution according to size**

hectares	1344		1432		1506	
	num.	%	num.	%	mum.	%
0-10	9	25.0	2	8.3	2	8.7
10-20	19	52.8	14	58.3	12	52.2
20-30	4	11.1	5	20.8	5	21.7
>30	4	11.1	3	12.5	4	17.4
TOTAL	36	100.0	24	100.0	23	100.0

	hectares		hectares		hectares	
average	17.2		19.9		21.1	
mediam	17.0		17.2		15.9	
maximum	42.1		43.7		57.8	
minimum	5.5		7.7		8.3	

Comparing the estate survey of 1344 with later updates carried out in 1432-34 and 1506 is an instructive way to assess changes in landholding over time. This evolution resulted in part from a vibrant peasant land market: serfs bought and sold individual parcels with some regularity and many tenancies underwent substantial reconfigurations during this period.[18] The very existence of a land market helps to account for the need to update the *capbreus* from time to time. Servile peasants participated in the land market even though the lord extracted a third of the sale price from the buyer in return for his consent to the transaction (*lluïsme* or transfer fee). In general, restrictions imposed by lords made it impossible for one serf to hold two *masos* at the same time because the serf had to take up permanent residence in the farmstead. This also discouraged townsmen from seeking to hold a *mas*. However this constraint could easily be nullified through a separate agreement between lord and serf that compensated the lord. This alternative arrangement took the form of an annual cash rent that replaced the income the lord derived from servile "bad customs." In many ways this

[17] X. MARCÓ MASFERRER, *La gestión de las rentas señoriales y las élites financieras del nordeste catalán: Sant Feliu de Guíxols y el Valle de Aro en el siglo XV*, in *En busca de Zaqueo: los recaudadores de impuestos en las épocas medieval y moderna*, ed. A. GALÁN, E. GARCÍA, I. VÍTORES, Madrid 2012, pp. 223-244.

[18] J. M. SALRACH, *El mercado de la tierra en la economía campesina medieval. Datos de las fuentes catalanas*, in "Hispania. Revista española de historia", LV/ 191, 1995, pp. 921-952.

solution was not the ideal option for lords, but the abandonement of *masos* after 1348 had become so widespread and finding new tenants in a declining population so difficult that lords had few alternatives to leasing abandoned farmsteads to an existing tenant of another *mas*[19] or to merging abandoned *masos* into a new one.[20] The lords were reducing the number of families personally subject to them, but this was prefereable to leaving the lands underutilized or completely abandoned.

A quick overview at the number of parcels attached to each *mas* reveals a clear tendency towards concentration, as contiguous plots of land were combined to form bigger units. The overall surface area of land per *mas* also tended to grow during this period. In the Aro valley before 1348, there seems to have been 232 *masos* in all; this number diminished to 159 in 1400, and just 97 remained at the end of the fifteeenth century.[21] More precisely, in the domain of the cathedral canons in the parish of Santa Cristina d'Aro, 14 out of the 37 *masos* documented in 1344 before Black Death had disappeared by 1506, and at least 13 were already abandoned before 1432. It might therefore at first seem sensible to argue that the deserted farmsteads were those with fewer appurtenances and poorer soils and that the larger and more prosperous ones ended up aggregating their lands, thereby creating a widening gap between poor and well-off peasants. But the evidence indicates just the opposite. It is true that the number of *masos* of less than 10 hectares had diminished from nine to two between 1344 and 1506 (see Table 2), but only five were completely abandoned. The remaining four increased substantially in size, especially Mas Ferrer and Mas Calvera which increased respectively from 8.2 and 9.4 hectares in 1344 to 15.9 and 20.1 in 1506. *Masos* encompassing more than 30 hectares in 1344 also increased their size, but they did so in a less significant proportion than the smallest ones.

As Table 2 demonstrates, the most significant changes between 1344 and 1432 relate to the number of farmsteads comprising between 10 and 30 hectares: before the Black Death they represented 63.9% of all *masos*, but by the beginning of the fifteenth century that proportion had risen to 79.1%. Between 1432 and 1506 there was just a slight increase in the number of *masos* encompassing more than 30 hectares, a proportion that reached 17.4%. Thus by the end of the fifteenth century, the surviving farmsteads of the domain of the canons in the parish of Santa Cristina d'Aro had in general more hectares of land and the difference in size among the holdings had decreased. Servile peasants were also a smaller group than before, but they individually held more land and were economically more homogenious.

Capbreus were also essential seigniorial tools for establishing cash and in-kind rents and labor services. In most cases the inventory lists the renders due for each parcel. Frequently this consisted of one tithe (1/10) and one *tasca* (1/11), which all together amounted to approximately a fifth of the harvest. In addition to this render, the lord was due a fixed annual rent (*cens*) paid by the tenant of every *mas*.[22] But of course lords expected other dues

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[19] This was the case of Mas Glori, aggregated to Mas Mates on January 12, 1357 (AHG, *notaria vall d'Aro*, vol. 254, unnumbered folio).

[20] For instance Mas Calvera was leased jointly with Mas Perarnau before 1432-34 (AHG, *notaria vall d'Aro*, vol. 209, unnumbered folio).

[21] On the fifteenth-century evolution, see: X. MARCÓ MASFERRER, *La diferenciació pagesa a la Catalunya baixmedieval: la revisió del cas de la vall d'Aro*, in "Estudis d'Història Agrària", 21, 2008, pp. 125-149.

[22] For example, Mas Oliver, one of the largest holdings, paid the following annually for the entire farm: several measures of cereals (3 *mitgeres* and 1 *quartera* of wheat), wine and grapes that had been replaced by a render in cash, half a chicken and one block of cheese, 12 *diners* of Barcelona, and some labour services (a half *jova*, a half *tragina* and a half *batuda,* which probably ment half-day ploughing, carrying and threshing). They also owed wheat and wine for the services of the blacksmith, some coins for the bailiff, and labour and watching services at the castle; although most *masos* owed less than Mas Oliver.

from transfer fees and the "bad customs" characteristic of serfdom.[23] Despite this large number of exactions, all the evidence indicates that the render of the tithe and *tasca* assessed on the harvest represented by far the most important part of seigniorial income.[24] In order to convert the tithe and *tasca* of one field which covered 0.437 hectares (two *vessanes*) into a fixed-money payment in the fifteenth century, the tenants of Mas Julià were willing to pay an annual rent of 9 *sous* of Barcelona. By extrapolating from these figures, one can determine that if the average surface of a *mas* was slightly over 20 hectares, then a complete farmstead would yield 180 *sous* to the lord in the form of produce or its cash equivalents,[25] an amount far in excess of the value of the fixed annual rent owed by the *mas* and the occasional service dues.

In the estate surveys from the canons' domain in the Aro Valley the lord's rents represented between 20 and 25% of the peasants' crops. The lord could not arbitrarily alter the amounts of the payments unilaterally. The *capbreu* therefore helps to account for the long-term stability of rents and dues, they remained unaltered in one estate survey after the other from 1344 to 1506. Estate surveys were useful to the lords who commissioned them in that they offer valuable information about who held the land and successive updates were essential if they wanted to claim their rights over transactions. Yet estate surveys could also be useful to peasants, for a formal list authenticated by a public notary also established their rights over the tenancies that they could eventually exchange, transfer to heirs, or sell. Through estate surveys, peasants not only obtained a confirmation of their right to hold their tenancies, but seigniorial rents and labour services were also stabilized in a written form that could not be changed by the lord without his tenant's agreement.

What we have seen in the case of the Aro Valley is not an isolated example. Many other domains in the region presented similar characteristics. The domain of the Benedictine abbey of Santa Maria d'Amer provides an instructive comparison because of the richness of its surviving *capbreus*. Located some 25 km to the west of the city of Girona, the valley centered on Amer resembles the Aro Valley physically and the monastic domain of Santa Maria d'Amer had many common elements with the domain of the cathedral canons of Girona.[26] Although woodland surely played a more important role in the local economy of Amer than in that of Aro, both valleys nevertheless shared some basic features of rural society. In Amer, too, agricultural production and livestock breeding were essentially carried on by peasants living in *masos*, who were the the serfs (*homines proprii*) of the abbot. A survey written in 1392-96 and later updates in 1442 and 1503 offer a detailed picture of the internal structure of all *masos*, and provide some data on the land attached to each one, although sizes are only specified for some of the fields.[27] The majority of Amer farmsteads were build

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[23] *Eixorquia* a fee paid when the tenant died without offspring, *intestia* when he died without a will, *cugucia* a penalty for tolerating an adulterous wife, *àrsia* a penalty for negligence when the building of the *mas* was destroyed by the fire, *ferma d'espoli* around a tenth of the amount of the dowry guaranteed with the lands of the *mas*, and the exaction paid if the serf wished to leave the tenancy, the infamous *remença*. On these servile impositions, see: P. FREEDMAN, *The Origins of Peasant Servitude in Medieval Catalonia*, Cambridge 1991, p.106-110; R. LLUCH BRAMON, *Els remences: la senyoria de l'Almoina de Girona als segles XIV i XV*, Girona 2005.

[24] On tithes: X. MARCÓ MASFERRER, *La senyoria del delme de l'Almoina del Pa de la Seu de Girona a Santa Cristina d'Aro al segle XV*, in *Les senyories a la Catalunya Baixmedieval (ss. XII-XV)*, Hostalric 2009, pp. 118-131; E. MALLORQUÍ GARCÍA, *Dîme et féodalité en Catalogne: le diocèse de Gérone et le Livre Vert (1362)*, in *La dîme dans l'Europe médiévale et moderne. Actes des XXXes Journées Internationales d'Histoire de l'Abbaye de Flaran*, ed. R. VIADER, Toulouse 2010, pp. 127-144.

[25] It is not, however, possible to generalize from a single example. This field lay close to an irrigation channel and its productivity was probably higher than average.

[26] J. BLANCO DE LA LAMA, *Masos i Masos grassos a la vall d'Amer (segles XIV-XVI)*, in "Annals de l'Institut d'Estudis Gironins", XLIII, 2002, pp. 29-105. Most of the information of this article is based on surveys (*capbreus*) preserved at ARXIU DIOCESÀ DE GIRONA, *Abadies d'Amer i Roses unides*, *capbreus* 2 and 7.

[27] In the Amer Valley surface area was measured in a unit called *jornal*, which according to references in a 1442 survey could be quite roughly equivalent to the *vessana* used in the Aro Valley (J. BLANCO, *Masos i Masos, art.*

next to a big parcel (*quintana*), normally determined to be 20 *jornals* or more and, as a notation adds, "without taking into account the woodlands," meaning that the measurement given was only a minimum. Typically woodland was not measured in this estate survey, and declarations of plots of land held from lords other than the abbot do not state their size. As a consequence the sizes of Amer *masos* resulting from the measurements recorded in the estate survey of 1392-96 are significantly lower than those of Aro Valley (see Table 3). In the Aro Valley between 97.4% and 98.1% of all parcels were recorded with a given surface, but in the Amer Valley this number only amounts to 40.1% of all parcels. Assuming that parcels without a given measurement were on average similar in size to the parcels with an stated surface, we could conclude that the *masos* of the Amer valley were just slightly smaller in size than the *masos* in Aro Valley. On average the Amer Valley *masos* were 13.9 hectares in size and the median was 11.4 hectares; 17 *masos* were smaller than 10 hectares (only 5 of them did not reach the five hectares) and 22 were bigger than 10 hectares. Compared to the farmsteads in the Aro Valley, the *masos* in the valley of Amer tended to have fewer plots of land attached to them and, as a result, created a more compact field system.

Table 3. ***Masos* of the domain of the abbey of Santa Maria d'Amer (1392-96)**

Name	num.	parcels			
	items	num. parcels	parcels with surface	surface in *jornals*	surface in hectares
Arbocet	31	31	13	54.0	11.8
Blanquera d'Albaquer	8	8	7	23.0	5.0
Boada de Costes	7	7	6	35.0	7.7
Boada de St. Marçal	23	22	9	57.3	12.5
Bruguera	9	9	4	25.0	5.5
Camps (Concs)	8	8	3	42.0	9.2
Canadell	3	3	3	24.0	5.2
Casademont d'Ollària	32	32	11	11.0	2.4
Castanyer	10	10	7	14.0	3.1
Colomer	13	13	1	10.0	2.2
Crosa	7	7	2	6.5	1.4
Darnatallada	12	11	3	23.0	5.0
Desvassar	5	5	3	32.0	7.0
Església d'Ollària	21	21	10	8.6	1.9
Fàbrega	5	4	3	47.0	10.3
Ferrer	9	9	5	21.5	4.7
Figuereda Deçà	6	6	4	18.0	3.9
Gallissà	31	30	5	24.0	5.2
Gelabert	10	10	7	22.0	4.8
Gitbol	28	28	4	8.5	1.9
Jonquera	16	15	5	36.5	8.0
Llograssols	13	13	7	42.0	9.2
Maset	4	4	2	13.5	3.0
Mayes	5	5	3	21.0	4.6
Mont	7	7	4	31.4	6.9
Oliver d'Ollària	19	19	9	19.0	4.2
Oliveres	4	3	1	25.0	5.5
Palol	19	18	8	52.0	11.4

cit., p. 39). In our table we have accepted that one *jornal* is equal to one *vessana*. But there is some chance that one *jornal* was equal to two *vessanes*, which was the value it had in the town of Besalú not far from Amer: C. ALSINA, G. FELIU, L. MARQUET, *Pesos, mides i mesures dels Paisos Catalans*, Barcelona 1990, p. 164.

Name	num.	parcels			
	items	num. parcels	parcels with surface	surface in *jornals*	surface in hectares
Pi	9	8	4	26.0	5.7
Pinyana	3	3	1	6.0	1.3
Plana	11	11	4	56.0	12.2
Pujol d'Ollària	16	16	7	11.0	2.4
Salzeda	13	13	4	20.5	4.5
Taer	18	17	2	10.0	2.2
Torrent d'Albaquer	10	9	4	21.0	4.6
Torrent de Gallissà	23	23	2	12.0	2.6
Ullastre	9	9	7	36.5	8.0
Valella	3	3	1	6.0	1.3
Vinyal	9	9	7	26.0	5.7
TOTAL	489	479	192	977.75	213.9

As in Aro, so too in Amer the desertion of farmsteads after the Black Death promoted the concentration of land into fewer hands. Many *masos* in the domain of Amer incorporated other *masos* in 1392-96. At this time at least 25 other *masos* appear among the appurtenances of the declared ones; at least 20 of them were independent households in 1341 when heads of their families were summoned to the local army.[28] Just after the Black Death, in 1349, the abbot of Amer had 26 deserted *masos*.[29] Some of them reappear among the appurtenances of neighboring *masos*, others eventually were leased again, and survived as independent tenancies. These changes reinforce the image of a peasantry with substantial holdings and a considerable amount of arable land. In Amer too the rents and dues which lords extracted from serfs were firmly fixed in written form in the estate survey. Renders and rents tended to remain stable over the long term because lords could not arbitrarily impose increases without the consent of their tenants. Finally, as was the case in the Aro Valley, in the Amer Valley seigniorial income derived primarly from rights to a portion of the harvest rather than from fixed global payments extracted for the entire *mas*.

2. MARITAL ASSIGNS AND THEIR VALUE

Despite the richness of the Catalan archives, little information exists to determine incomes of peasant households in the region of Girona. Yet we do know something about the expenses of peasant families. Catalan serfs clearly did earn some money through the sale of their livestock, crops, or other agricultural products such as the hazelnuts collected in the woods around Amer. Loans provided another means of raising cash. A substantial amount of evidence now shows that peasants in Old Catalonia as elsewhere came to commercialize their agricultural products with increasing regularity and had easy access to credit by the

[28] L. TO FIGUERAS, *La defensa del valle: las "decenas" de Amer (Cataluña vieja) en la Baja Edad Media*, in *Monasterios, espacio y sociedad en la España Cristiana medieval. XX Semana de Estudios Medievales (Nájera, del 3 al 7 de agosto de 2009)*, ed. J. I. de la IGLESIA DUARTE, Logroño 2010, pp. 293-321.

[29] This were announced in public in order to find out if there were heirs legally entitled to the deserted *masos*. If there were none the abbot could lease the *mas* to new tenants. Examples of *masos* deserted by 1349 but declared again as occupied in the estate survey of 1392-96 are Mas Bruguera, Mas Fàbrega, Mas Taer and Mas Salzeda. Others such as Mas Viabona, Mas Ariol, Mas Serrabadal, Mas Camps are included among the appurtenances of other *masos*. MONSALVATJE Y FOSSAS, *Notícias históricas*, Olot 1889-1919, vol. XII (*Colección diplomàtica del condado de Besalú, 2*), doc. MCDLII, pp. 446-448.

fourteenth and fifteenth centuries.[30] Peasants used money obtained from these sources to buy craft goods and to pay off various obligations. Marital assigns stand-out among the most significant amounts invested by peasant families. They can be traced by a vast array of contracts written and preserved by the notaries.[31] In the diocese of Girona, local custom required that family inheritance pass to a single heir, usually the first-born son. Therefore *masos* of serfs, like peasant tenancies in general, were transmitted undivided over generations, even if an active land market promoted constant rearrangements of the family holding. The heir of the *mas*, whether male or female, did, however, have to compensate his or her siblings for their renunciation of residual inheritance rights over the family holding. In exchange for a dowry in cash, daughters relinquished any future stake they might have to the *mas*, and similar arrangements were made with sons who were not the heir. Younger sons often received cash compensation if they left the paternal household and afterwards used this money as their dower if they married. The amount of money a husband received from his wife's dowry could compensate him in part for the cost of his daughters' dowries, but this obviously did not suffice if several children survived to marry. Families struggled to save up money for the marital assigns of their children; this made selling agricultural produce or livestock a crucial element in the domestic economy. The amount of money given as a dowry to daughters and dower to sons was substantial and therefore provides a good indicator of the material condition of the peasantry.

Hundreds of marriage contracts that specify the amount of a dowry and dower have been preserved in the notarial registers of the later Middle Ages. We will examine the marriage contracts of the Aro Valley and Amer Valley which we have already used in the study of *mas* surface areas. These marriage contracts also usually specify the *mas* in which the bride will reside when she marries its heir, or the husband who marries the heiress of the *mas*, because the farmstead served as a guarantee in case the dowry or dower had to be returned to the bride's or bridegroom's family. One of the most burdensome fees or "bad customs," characteristic of Catalan serfdom was the compensation for the lord's approval of using his *mas* as a guarantee for the dowry. Its name, *ferma d'espoli,* meant exactly that: the signature of the lord or his agent at the bottom of the marriage contract.[32] A sample of 414 marriage contracts has been gathered from the notarial material from the Aro Valley (see Table 4).[33] For this study the selection has been limited to those contracts referring to men or women holding a *mas* (the presumed heirs or heiresses of the tenancy), for which the amount of the dowry or marital donation was clearly stated. Despite some minor variation, female dowries during the fourteenth century remained quite stable, with the median between 700 and 750 *sous*. In contrast, male dowers, i.e. the marital assigns that men brought with them to the marriage, demonstrate a clear tendency to increase during the fourteenth century. This appears to be related to the demographic changes and the new economic expectations after the Black Death.

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[30] L. SALES I FAVÀ, *Crédito y redes urbanas: el caso de Girona y las pequeñas ciudades de su entorno en el siglo XIV*, in *Redes sociales y económicas en el mundo bajomedieval*, ed. D. CARVAJAL DE LA VEGA, J. AÑÍBARRO RODRÍGUEZ and I. VITORES CASADO, Valladolid 2011, pp. 129-150.

[31] L. DONAT PÉREZ, X. MARCÓ MASFERRER and P. ORTI GOST, *Els contractes matrimonials a la Catalunya medieval*, in *Els capítols matrimonials*, ed. R. ROS MASSANA, Girona 2010, pp. 19-46.

[32] *Ferma d'espoli* was put at the same level as a transfer fee, and its value usually a 10% of the part of the dowry that used the lord's lands as a guarantee. See R. LLUCH BRAMÓN, *La firma d'espoli forçada*, in *Els capitols matrimonials. Una font per a la història social*, ed. R. ROS MASSANA, Girona 2010, pp. 47-69.

[33] X. MARCÓ MASFERRER, *Estructura familiar i estratègies matrimonials de la pagesia de mas de la vall d'Aro al segle XV*, in *Família pagesa i economia rural. VII Congrés sobre sistemes agraris, organització social i poder local*, ed. J. BOLÒS, A. JARNÉ, E. VICEDO, Lleida 2010, pp. 211-238.

Table 4. **Dowries of brides and dowers of bridegrooms marrying the heir or heiress of a *mas* in the Aro valley (in *sous* of Barcelona)**

Years	Number of contracts	Average female dowry	Median female dowry	Average male donation	Median male donation
1300-1349	117	768	750	604	450
1350-1399	188	790	700	740	700
1400-1449	72	1053	921	805	680
1450-1499	37	800	800	982	800

In the valley of Amer, a similar sample of dowries and dowers paid by peasant families can be found in the notarial registers.[34] Table 5 presents information taken from marriage contracts made from 1278 to 1340 in the Amer Valley and its surrouding parishes. Here, instead of analyzing only dowries and dowers paid to the heirs of a *mas*, we will consider all marital assigns from the rural parishes in the valley regardless of the eventual residence of the married couple because many sons and daughters of servile households found a spouse from the small town of Amer or some other towns beyond the valley.

Table 5. **Dowries of brides and dowers of bridegrooms paid by rural households around Amer (in *sous* of Barcelona)**

Years	Number of contracts	Average female dowry	Median female dowry	Average Male donation	Median male donation
1278-1300	123	263	230	199	150
1301-1325	140	466	380	278	280
1326-1340	62	610	565	510	500

By examining a broader section of the population from a somewhat earlier period in Amer, one notices a pattern somewhat different from that of Aro: the median amount of dowries and dowers is generally lower in Amer than in the sample of Aro. However, in Amer, from 1326 to 1340, the amount recorded as a median in marriage contracts (565 for dowries and 500 for dowers) is relatively similar to the amount of marital assigns for the spouses of heirs and heiresses of *masos* in the Aro Valley in the period 1300-1349 (compare Tables 4 and 5).

Because of the large amounts involved, dowries and dowers were in fact delivered in several installments. In the long run the payment of marital assigns probably represented the main source of indebtedness for peasant households. Eventually pressure to pay out dowries and dowers forced the tenant of a *mas* to make important economic decisions, such as selling plots of land or assuming a loan in order to meet the next installment of a marital payment. Naturally the impact on the household economy was related to individualized demographic situations, such as the total number of children, whether they were sons or daughters, and how many of them were to marry. Some unmarried youth, whether male or female, often decided to seek work outside the household in order to save up money that later could be used for their marriage, but the majority of the dowry or dower came from parents. To get an idea of the value of peasant marital assigns, it is useful to compare them to contemporary day wages. After the Black Death, the bishop of Girona tried to impose a

[34] L. TO FIGUERAS, *Systèmes successoraux et mobilité sociale aux alentours de 1300. Les contrats de marriage d'Amer et de Besalú en Vielle Catalogne*, in *La mobilità sociale nel medioevo*, ed. S. CAROCCI, Roma 2010, pp. 453-490.

limit to wages by fiat to counteract an economic environment that favored their rise.[35] He imposed a limit of two *sous* a day for men hired for harvesting, a bit less for threshing and even less for women working on the epicopal demesne in an attempt bring wages back in line with pre-plague levels. An average dowry from 1326 to 1340 in the Amer Valley was therefore roughly equivalent to the wages an agricultural laborer could earn in 305 days, and in the Aro Valley for the first half of the fourteenth century an average marital assign equals almost a full year's work of an agricultural laborer.

3. Postmortem inventories

Another way to assess the standards of living of servile peasants is to look at the personal goods they possessed as presented in postmortem inventories. In contrast to estate surveys and marital contracts, however, postmortem inventories for peasant households are relatively rare around Girona. A thorough investigation of the abundant notarial registers for the town of Sant Feliu de Guíxols has turned up only eleven postmortem inventories of *masos* in the Aro Valley between 1350 and 1400.[36] All the extant inventories, however, do contain detailed lists of iron farming implements (ploughes, hoes, axes, etc.), chests containing men's and women's woolen clothing such as capes and tunics (presumably acquired at markets), and storage containers of various sizes for the cereals, wine, olive oil, and flax that the *mas* produced. From the range of inventoried items in the farmsteads of the Aro Valley, we have extracted three elements that are presented in Table 6.

Table 6. **Personal goods, livestock and poultry in inventories of *masos* in the Aro Valley (1350-1400)**

Building	1350	1351	1357	1363	1366	1370a	1370b	1370c	1375a	1375b	1384
entrance hall	1	1	1	1		No		1	1	1	1
kitchen	1	1	1	1		data	1	1	1	1	1
rooms	2	1	1	2	1		2	2	2	2	2
stable	1			1	1						1
cellar	1	1	1		1		1	1	1	1	1
haystack								1		1	1
others							1				
TOTAL	6	4	4	5	3		5	6	5	6	7
Livestock	1350	1351	1357	1363	1366	1370a	1370b	1370c	1375a	1375b	1384
ox	1		2	1	2	2	2	1	2		1
cow	1			0,5	1				2		1
calf				0,5				1	1		
bull							1		2		1
heifer						1					
TOTAL	2	0	2	2	3	3	3	2	7	0	3

[35] Letter to episcopal bailiffs published by E. Mallorquí and X. Soldevila in *Història del Baix Empordà*, ed. C. SAURÍ , S. SOLER, Girona 2006, p. 709.

[36] Specifically, inventories so far recovered came from Mas Basella and Mas Riambau of Sant Feliu de Guíxols, (AHG, *notarials de Sant Feliu de Guíxols*, vol. 46, f. 11r-11v, 4.V.1350. and vol. 46, f. 27r-28r, 6.VIII.1351), Mas Cifra of Santa Cristina d'Aro (*Ibíd.*, vol. 46, f. 127v-129r, 19.VIII.1357), Mas Vilar of Santa Cristina d'Aro (*Ibíd.*, vol. 638 (1), f. 16v-19r, 27.V.1363), Mas Sitjar of Santa Cristina d'Aro (*Ibíd.*, vol. 638 (1), f. 45v-46v, 18.XII.1366), Mas Cases of Sant Martí de Romanyà (*Ibíd.*, vol. 969, f. 8v-9r, 4.III.1370), Mas Eimeric of Santa Maria de Bell-lloc (*Ibíd.*, vol. 969, f. 9v-10v, 8.XI, 1370), Mas Vilaret of Santa Cristina d'Aro (*Ibíd.*, vol. 969, f. 14r-15r, 17.XII.1370), Mas Surià of Santa Cristina d'Aro (*Ibíd.*, vol. 970, f. 2r-3r, 24.VIII.1375), Mas Puig of Santa Cristina d'Aro (*Ibíd.*, vol. 970, f. 4r-5v, 24.VIII.1375) and Mas Pujol of Santa Cristina d'Aro (*Ibíd.*, vol. 882(3), f. 29v-30v, 7 yand 11.XI.1384).

donkey			1	1						1	
female donkey							1		1		
TOTAL	0	0	1	1	0	0	1	0	1	1	0
hen	6	7		2	5	6	4	4	8		3
cock	1					1					
chicken	3	12		13	2		7	1			5
TOTAL	10	19	1	16	7	7	12	5	9	1	8
pig	7			4			7		11	4	
sow	1	3	20	1	2	1	1	1		1	
young pig				1	11	2	6	6	10	5	
TOTAL	8	3	20	6	13	3	14	7	21	10	0
sheep				2	18					5	
female goat				5			34			3	
male goat							9				
young goat							17				
TOTAL	0	0	0	7	18	0	60	0	0	8	0
Weapons	1350	1351	1357	1363	1366	1370a	1370b	1370c	1375a	1375b	1384
sword	2		1		1		1	1		1	1
lance					1		1			1	1
crossbow	1		2				1		1		1
TOTAL	3	0	3	0	2	0	3	1	1	2	3

What is most apparent is that the inventories describe farmsteads as a complex unit. They possessed a relatively specialized set of structures, with the main house containing at least three separate rooms. Houses in some *masos* had as many as seven rooms, with four or five being the norm. Most had a kitchen, two rooms, a cellar and a stable which was often located in the entrance hall. All of the eleven inventoried *masos* had livestock and farm animals, on average two oxen or cows, nine chickens, and ten pigs; four *masos* also bred sheep, and three kept bees. Livestock in the notarial registers is often connected to commercial contracts between peasants and small-town merchants or butchers, because peasants directly engaged in breeding livestock and raising sheep in order to sell them for their meat.[37] Finally, it is worth noting that most inventories mention weapons. In seven farmsteads there was a sword, in four a spear or lance, and, most remarkable of all, five farmsteads possessed a crossbow (*ballesta de croc*). Significantly four of the eleven inventories refer to the existence of small private archives containing a substantial number of notarial charters, which in the case of Mas Pujol amounted to 54 documents. Peasant archives of this size were not infrequent implying a certain degree of literacy. Moreover possession of books by serfs was exceptional but not impossible: Mas Vilaret contained a copy of the *Doctrinale puerorum* by Alexander de Villedieu (thirteenth century), and Mas Puig also possessed the same evidently popular book along with three others: the *Ars gramatica* or *Pars* by Elius Donatus (fourth century), the *Tobias* by Mathieu de Vendôme (c. 1200), and the unidentifiable *Coton Erotentus*. Books of this type appear frequently in the contemporary libraries of the citizens of Barcelona, and we know they served as manuals to help the laity to read and write.[38] Other indications also point to a practical level of literacy for late medieval serfs. Guardians of minors, for instance, commonly provided written accounts of

[37] E. MALLORQUÍ, *Masos agraris o ramaders? El cas de Cruïlles i Sant Cebrià dels Alls a la primera meitat del segle XIV*, in *Família pagesa i economia rural. VII Congrés sobre sistemes agraris, organització social i poder local*, ed. J. BOLÒS, A. JARNE, E. VICEDO, Lleida 2010, pp. 169-200.

[38] J. HERNANDO, *Llibres i lectors a la Barcelona del s. XIV*, Barcelona 1995, I, pp. 21-24.

their expenses at the end of their commission to the tenant of the *mas*.[39] As another indication of the extent of a practical rural literacy, beginning in 1374 the peasant community of the Aro Valley annually selected communal representatives (*jurats* and *consellers*) who were authorized to collect taxes and pay expenses incurred by the community. Once a year the peasant community of the valley also elected from among its members auditors (*oidors de comptes*), who reviewed the accounts presented by the respresentatives at the end of their term in office.[40]

CONCLUSIONS

The evidence presented here from the rich Catalan archives for the late medieval countryside undermines the traditional image of a desperate peasantry living at the edge of starvation. Farmsteads with more than 10 hectares of land, families able to pay marital assigns to their children worth a year's wages, complex farmsteads with several differentiated rooms and diversified animal husbandry, and even dependent peasants armed with crossbows cannot be considered signs of desperation or destitution.[41] Some serfs were even able to read and write, and could draw up accounts. A close analysis of the structure of peasant holdings and marital assigns further suggests that serfs of the region had substantial economic resources at their disposal even prior to the demographic decline set in motion by the Black Death. The desertion of farmsteads after 1348 in fact did not diminish the living standards of the survivors, as has previously been assumed: the actual situation was just the opposite. Smaller *masos* with relatively few fields had the opportunity to strengthen their position and increase the size of their overall holdings, while larger *masos* could consolidate their holdings by strategic use of the land market in order to concentrate their fields around the farmstead. The demographic crisis, however, did not produce any major changes in the condition of tenure or landholding, nor did renders and rents alter significantly. Already before the Black Death, through custom and specifically through the estate surveys that helped lords monitor their domains and oversee land transactions, rent was fixed in a formal written charter that protected peasants against arbitrary actions by the lords if the latter threatened to increase rents or labor services.[42]

Leaving aside the fact that in general we would be well advised to raise our sights in evaluating the standards of living enjoyed by feudal societies in the West, the world of tenant farmsteads in Catalonia cannot be fully appreciated if we continue to block off town and countryside from on another. The serfs of those dispersed *masos* discussed in this article always had easy access to a small town where a market was held and peasants from the surrounding region came in search of all sorts of goods and services. As Víctor Farías has recently insisted, this interaction of the small towns and the *masos* should be the main focus of our research.[43] Seigniorial constraint of impartible inheritances and the transmission of holdings to a single heir expelled from *masos* all offspring other than the heir or heiresses

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[39] See, for instance, the account of expenses by the guardians of Mas Cifra in: AHG, *notarials de Sant Feliu de Guíxols*, vol. 15, f. 50v-52r, 28.V.1359.

[40] The first rendering of accounts by the *jurats* of the Aro Valley is found in: AHG, *notarials de Sant Feliu de Guíxols*, vol. 652, f. 18r-19r, 25.VII.1375.

[41] The same trend, an increase in peasant consumption, has been described in detail for the English peasantry of the same period: C. DYER, *An Age of Transition? Economy and Society in England in the Later Middle Ages*, Oxford 2005, pp. 126-172; M. KOWALESKI, *A Consumer Economy*, in *A Social History of England 1200-1500*, ed. R. HORROX, W. M. ORMROD, Cambridge 2006, pp. 238-259.

[42] On the weakness of lordship in a similar context: P. SCHOFIELD, *Lordship and the peasant economy c. 1250-c.1400: Robert Kyng and the Abbot of Bury St. Edmunds*, and C. DYER, *The ineffectiveness of Lordship in England, 1200-1400*, both in *Rodney Hilton's Middle ages. An exploration of Historical Themes* (*Past and Present supplement*, 2), eds. C. DYER, P. COSS, C. WICKHAM, Oxford 2007, pp. 53-68 and pp. 69-86.

[43] V. FARÍAS ZURITA, *El mas i la vila a la Catalunya medieval*, València 2009.

generation after generation.[44] For some the final destination was a small or large town, close or distant. With the capital obtained in exchange for the forfeit of rights to the family farmstead and with the skills obtained as craft apprentices their fate was uneven.[45] A few prospered[46] but even more eventually joined the ranks of wage-earners who lived in far more precarious conditions than the older brothers who had inherited the family *mas*. If we compare the inhabitants of small towns and the serfs of the *masos* like the residents of Sant Feliu de Guíxols and the servile peasants of the Aro Valley as we have tried to do, we end up with the impression that the situation of the serfs resembled that of the middling or lower ranks of craftsmen in a small town. Above them stood the wealthier craftsmen, merchants and ship-owners; below them were day laborers, sailors, and servants, not to mention the slaves and marginalized poor. Yet this middling group of servile tenants provided a dynamism to the local economy of rural Catalonia: understanding their status and concerns creates a new picture of the Catalan countryside and forces us to reconsider the *remença* revolt and its consequences.

[44] L. TO FIGUERAS, *Família i hereu a la Catalunya nord-oriental (segles X-XII)*, Barcelona 1997.

[45] S.P. BENSCH, *Apprenticeship, wages, and guilds at Puigcerdà (1260-1300)*, in *El món urbà a la Corona d'Aragó, del 1137 als decrets de Nova Planta. XVII Congrés d'Història de la Corona d'Aragó, Barcelona-Lleida, 7-12 setembre del 2000,* ed. S. CLARAMUNT, Barcelona 2003, pp. 209-222.

[46] An example is Bernat Pujada, native to a *mas* of Caldes de Malavella, his son became a cloth merchant (*draper*) of Sant Feliu de Guíxols and his two grand-sons became important shipowners that established themselves in Barcelona and Valencia, entering the inner circle of the royal council: P. ORTI GOST, *Pagesos de Caldes de Malavella, mercaders de Sant Feliu de Guíxols i consellers reials: l'espectacular ascens de la família Pujada durant el segle XIV*, in *La Corona catalanoaragonesa, l'Islam i el món mediterrani. Estudis d'Història medieval en homenatge a la doctora Maria Teresa Ferrer i Mallol*, ed. J. MUTGÉ I VIVES, R. SALICRÚ I LLUCH, C. VELA AULESA, Barcelona 2013, pp. 547-558.

Rosa Lluch Bramon

Remences pauvres, remences riches: les inégalités économiques (Vieille Catalogne, XIVe-XVIe)[1]

Les remences sont les paysans soumis à la servitude en Catalogne médiévale[2]. Le nom qui les désigne se rapporte à la remença, c'est-à-dire, à l'achat de leur propre liberté pour pouvoir abandonner le seigneuriage. Quand ils avaient payé la remença ils devenaient des personnes libres qui pouvaient aller vivre et travailler où ils voulaient. Les serfs catalans étaient soumis aux "mals usos" [mauvais usages] dont ils devaient s'acquitter devant certaines circonstances vitales. Ces exigences arbitraires arrivaient à un tel point que ce fussent elles qui caractérisaient et distinguaient les remences des paysans libres dans la Vieille Catalogne médiévale.

À partir de la remença, ils obtenaient la liberté personnelle et renonçaient, et ceci était une condition indispensable, aux droits qu'ils pouvaient avoir sur leur mas d'origine. Deux autres "mals usos", *intèstia* et *eixòrquia*, pénalisaient la mort sans testament et le manque d'héritiers du remença. La *ferma d'espoli forçada* se payait en contrepartie de l'hypothèque de la dot, reçue par le conjoint qui entrait par mariage dans le mas, sur les propriétés qu'ils avaient par la seigneurie dont ils étaient serfs. *L'àrsia* et la *cugúcia*, même s'ils apparaissent conjointement aux quatre autres ne se payaient presque jamais ou, en tout cas, leurs exigences pratiques n'ont pas laissé de traces documentaires[3]. Dans le premier cas, punissait le brûlage accidentel des biens immobiliers et dans le cas de la *cugúcia*, c'était l'adultère de la femme remença qui était objet de la sanction.

Bien qu'il n'y eût pas de lois qui réglât ces exigences serviles, les us et coutumes et la pratique indiquent que, dans presque tous les cas, les seigneuries avaient le droit de percevoir l'équivalent à la troisième partie des biens meubles du responsable du "mal ús". De telle façon que la quantité payée pour chacune de ces sanctions peut être un bon indicateur du potentiel économique du paysan et de son mas ou de sa famille d'origine. Bien qu'il soit impossible de vérifier si l'on percevait toujours réellement cette proportion des biens. Et même si c'était ainsi, on sait que quelques-uns de ces "mals usos" n'étaient pas payés par les titulaires des mas mais par ceux qui voulaient les quitter.

En tout cas, ce qui caractérisait les remences consistait en leur manque de liberté d'abandonner leurs terres et seigneuries d'origine. Selon l'historiographie traditionnelle, ce fut dans le but d'obtenir la liberté et la suppression définitive des "mals usos", que les remences ont pris les armes contre leurs seigneurs en 1462 et aussi en 1484. Les raisons de la guerre remença sont encore en discussion, bien que la recherche de la liberté et de leur

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[1] Ce travail s'inscrit dans le cadre du projet HAR2011-25077/HIST.

[2] J. VICENS VIVES, *Historia de los remensas (en el siglo XV)*, Barcelona 1945, L. TO FIGUERAS, *Servitude et mobilité paysanne: Les origines de la "remença" catalane (XIIe-XIIIe siècle)*, in "Mélanges de l'École Française de Rome", 112, 2000, pp. 827-865, R. LLUCH BRAMON, *Els remences. La senyoria de l'Almoina de Girona als segles XIV i XV*, Girona 2005, G. FELIU, *La llarga nit feudal: mil anys de pugna entre senyors i pagesos*, València 2010, entre autres.

[3] R. LLUCH BRAMON, *Les viles medievals: franqueses i mals usos*, in "Butlletí de la Societat Catalana d'Estudis Històrics", XIX, 2008, pp. 9-28.

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantecinquesima settimana di studi", 14-18 aprile 2013*

soumission aux "mals usos" aient été rejetées comme la seule cause de celle-ci[4]. Sans aucun doute, la différenciation économique entre les paysans serviles a eu son rôle dans la participation dans la guerre et, spécialement, dans la résolution transitoire du premier soulèvement.

Il y a déjà longtemps que P. Vilar a indiqué que dans la base du conflit remença, la "Guerre des Cent Ans du champ catalan", la contradiction se trouvait entre le bien-être économique des paysans serviles et sa condition juridique dégradée au fil des années. Et c'est à ce sujet qu'il se questionnait sur le fait de qu'il s'agisse d'un conflit de la richesse ou bien de la pauvreté. F. Sabaté a fait encore un pas en avant en considérant que ce qui était réellement consolidé dans le processus de guerre et d'après-guerre était la hiérarchisation du paysannat[5]. J'ajoute que ce processus de hiérarchisation est ce qui caractérise et explique tout le conflit entre les remences et leurs seigneurs entre la deuxième moitié du XIVe siècle et le premier soulèvement en armes.

1. La pauvrété et la richesse: quelques reflexions préalables

Pendant très longtemps on a considéré que les remences étaient caractérisés par leur semblable et précaire capacité économique. Jusqu'au point où ils formeraient non seulement un groupe homogène juridiquement mais aussi économiquement. Un groupe fondamentalement dégradé, avec de grandes disettes à tous niveaux et à la limite de la pauvreté. Et tout cela dû aux exigences seigneuriales qui, à cause de la servitude, obtenaient des revenus économiques considérables et extraordinaires par les exactions serviles, qu'il fallait additionner au reste des paiements dérivés du domaine utile des terres, entre autres.

Dernièrement, plusieurs recherches ont montré que cette apparente homogénéité économique n'était pas réelle. Certainement, les remences, tout comme les autres paysans, étaient soumis aux exigences seigneuriales tout comme le système féodal le permettait. En tout cas, il est absolument faux que tous les remences fussent pauvres et défavorisés économiquement. Entre autres parce qu'ils avaient des mas et des terres dont vivre et travailler. En fait, précisément, c'était la propriété de terres serviles qui exigeait la condition juridique servile alors que beaucoup de paysans libres possédaient seulement quelques petits bouts de terre insuffisants pour leur maintien. Donc, nous savons bien aujourd'hui que, même s'ils constituaient un même groupe social dérivé de leur condition juridique, tous les remences n'avaient pas le même potentiel économique. Et encore ces différences ont augmenté au fil des ans et des événements au cours des XIIIe, XIVe, XVe et XVIe siècles.

Cela ne constitue pas réellement de nouveauté. En diverses occasions, les mêmes remences ont prouvé être conscients de ces inégalités économiques. Par exemple, quelques lettres écrites par le chapitre de la Cathédrale de Vic pendant le conflit armé, ne laissent pas lieu aux doutes. Le leader remença du premier soulèvement, Francesc de Verntallat, a ordonné l'établissement d'une taille destinée à payer le salaire des paysans qui participeraient activement au conflit. Il a fixé que les foyers qui le pouvaient auraient à payer 2 florins par feu, alors que les familles avec des économies moins prospères auraient moins à payer. Et ceci constitue la preuve incontestable que la différenciation économique était si réelle et évidente qu'elle était tenue en compte et acceptée par tout le monde, puisque il semble que personne ne s'opposait à ces différents niveaux de paiements.

Dans le même sens, après la Sentence Arbitrale de la Guadalupe, qui a mis fin au conflit, les remences se sont organisés en un Grand Syndicat pour réunir les 50.000 livres

[4] R. LLUCH BRAMON, *Els remences*, cit.

[5] F. SABATE, *Conflictes agraris i guerra civil a la Catalunya baixmedieval. Realitat i ficció historiogràfica*, in *Miscel·lània Ernest Lluch i Martín*, Barcelona 2007, pp. 396-408.

barcelonaises qu'ils avaient été condamnées à payer par ladite sentence. Pour établir la répercussion de ce paiement entre les foyers, de diverses exemptions ont été tenues en compte, parmi elles celles des "misérables". Vicens Vives affirmait que "des cas de ce caractère devaient être assez fréquents, surtout dans les contrées moins favorisées par la fortune" et à cause de cela, *considerant lur misèria*, "le nombre de mas qui devaient cotiser a été réduit à 35 sur les 41 existants dans la vallée d'Amer", par exemple[6].

D'une façon similaire, quelques documents médiévaux qui considèrent des revenus extraordinaires effectués par les remences, les qualifient de pauvres. Ces inégalités économiques étaient perçues d'une façon tellement évidente par les propres contemporains qu'elles étaient objet de témoins écrits. Par exemple, quand en 1342 a été enregistré le lods et ventes qui correspondait à l'achat du domaine utile d'un bois, on a spécifié que l'acheteur remença de Brunyola devait payer 15 sous, au lieu des 50 sous qui correspondaient et ceci parce qu'il était *pauper*[7].

En quelques occasions, on dirait plutôt le contraire. Puisque les prix les plus élevés contenus dans certains de ces livres de comptes sont, précisément, ceux qui sont payés par les *pauper* ou *sine liberis*. Dans tous les cas, il semble que ce qu'ont en commun la majorité de ces remences qualifiés de pauvres est le fait qu'ils n'habitent ni ne possèdent un mas. Avec ceci nous pourrions conclure que dans un monde de mas, dans un monde de paysans, tous ceux qui n'ont pas de terre ou encore qui ne veulent pas en avoir sont pauvres. Si c'était le cas, ce que déterminerait le potentiel économique ne serait pas la production, ni la productivité ni encore le travail, ni la plus grande ou moindre capacité, mais simplement le fait d'être propriétaire de biens dans lesquels et dont ils pourraient vivre. Donc, dans la Gérone rurale des XIVe et XVe siècles, les pauvres étaient ceux qui n'avaient pas de terre ou n'avaient pas de terre suffisante pour leur propre soutien.

Par rapport aux terres catalanes, M. Aventín dans l'ouvrage *Història Agrària dels Països Catalans*[8], en partant des données sur la contrée du Vallès et de celles de C. Cuadrada sur le Maresme, affirmait que les paysans pauvres étaient ceux dont les exploitations ne dépassaient pas les 5 hectares ou étaient clairement plus petites, et que les pauvres étaient "les paysans qui ne pouvaient pas vivre du produit de leurs terres et devaient travailler pour un salaire". La clé de ces affirmations est son application aux communautés campagnardes formées par des unités de peuplement isolées, majoritaires dans le monde rural de la Vieille Catalogne médiévale.

En général, donc, pour établir des inégalités économiques, il faut évaluer surtout la quantité de terre disponible pour le travail de chaque unité familiale. En fait, c'est relativement facile à quantifier et c'est pourquoi cela permet des analyses quantitatives, mais par contre, ne permet pas la réalisation d'analyses qualitatives qui seraient essentielles. Il y ait beaucoup d'autres facteurs qui influent directement sur la capacité économique des exploitations champêtres et qui sont beaucoup plus difficiles -et même impossibles- à évaluer. Avec cette variable, il faudrait en considérer d'autres: comme, par exemple, l'exigence de la seigneurie directe aussi bien de la terre comme des personnes c'est-à-dire, si elle permettait plus ou moins de liberté dans l'utilisation de la terre, ou dans les paiements ordinaires et extraordinaires qu'elle exigeait, dans les exigences extra économiques, ou dans la capacité de négociation avec les seigneuries, etc.

De la même façon, il faudrait considérer la casuistique de chaque mas et, en plus, à différents moments: le nombre de fils et de filles et leur capacité de travail, l'âge des parents, des enfants et des autres membres de la famille, la possibilité d'employer de la main d'œuvre

[6] J. VICENS VIVES, *El Gran Sindicato Remensa (1488-1508)*, Madrid 1954, p. 84.

[7] ARXIU HISTÒRIC DE GIRONA (AHG), *Hospici*, 8.

[8] E. GIRALT (dir.), J. M. SALRACH (coord.), *Història Agrària dels Països Catalans. Edat Mitjana*, Barcelona 2004, p. 426.

salariée, la possibilité de prêter de l'argent ou le besoin de crédit, d'entrer dans l'affaire des locations des rentes, de réaliser des pratiques artisanales, etc. Par ailleurs, il est difficile de s'approcher des stratégies utilisées par chaque mas en ce qui concerne les paiements qu'ils devaient réaliser. Par exemple, le temps que l'on tarde à s'acquitter d'une dot, un lods et ventes, d'une légitime, d'un "mal ús", etc.: a-t-il à voir avec le potentiel économique ? Ou, encore, avec la disponibilité temporelle ou volontaire du payeur ? Tous ces facteurs, entre autres, sont ceux qui conditionnent totalement la capacité économique et aussi notre évaluation sur celle-ci.

2. Le domaine utile de la terre

Un bon exemple du potentiel de quelques remences et de leur capacité de négociation avec leurs seigneuries est observé, par la voie directe, dans certains des engagements de quelques contrats emphytéotiques. Je fais référence aux cas où la quantité économique que devra percevoir le seigneur sous le concept "mals usos" et le prix même de la liberté est fixé. Ainsi que dans les occasions dans lesquelles sont même fixées les conditions des hommages futurs et de la résidence et de travail obligés dans le mas[9]. Et encore, quand on a pu le vérifier, la seigneurie percevait exactement ce qui était stipulé dans le contrat d'établissement et non pas ce qu'elle aurait pu percevoir.

L'une des caractéristiques de la servitude catalane consiste en ce que les remences étaient propriétaires du domaine utile des terres qui déterminent leur condition juridique[10]. En fait, s'ils sont serfs c'est parce qu'ils possèdent une terre servile. Leurs droits de propriété sur les terres dans lesquelles ils vivent et travaillent sont, sans aucun doute, reconnus et respectés par les seigneurs qui possèdent le domaine direct. Et, dans ce sens, les paiements des "mals usos" serviles peuvent se considérer comme une preuve certaine de ces droits de propriété. Précisément, par le fait d'être emphytéotes, beaucoup de remences ont pu prospérer au fil des années en profitant des fissures du système. Jusqu'au point qu'une partie des paysans ont pu améliorer leur statut, pas uniquement économiquement.

Je veux souligner que l'une des clés qui permet d'expliquer les améliorations économiques de quelques remences consiste en ce qu'ils ont pu accumuler des terres et des mas, et ceci normalement, avec à des pactes qui les favorisaient. Ils ont pu chercher et trouver des solutions pour résoudre des conditions requises, a priori indispensables, comme la résidence ininterrompue dans le mas, le caractère obligatoire de l'hommage de servitude, l'engagement de laisser un héritier, etc., avec des voies imaginatives et utiles comme la location temporelle de mas ou le compromis de futurs héritiers, entre autres. L'une des prémisses qu'il faut tenir en compte est que "les seigneurs utiles et les propriétaires des mas [...], pendant les XVIe et XVIIe siècles, ont consolidé leur positions, à partir de la propriété et l'exploitation des mas, jusqu'à devenir une référence pour la communauté rurale". Et cela parce que "la possession des mas leur a octroyé la prééminence à l'intérieur de la hiérarchie sociale campagnarde", selon P. Gifre[11].

Les différences économiques entre les remences au cours des siècles du bas moyen âge, spécialement, sont indiscutables. En plus, c'est un processus long et lent qui a dû trouver son origine parallèlement à l'établissement du système servile en Catalogne et qui peut dépendre de causes très diverses bien que plusieurs d'entre elles doivent être mises en

[9] R. LLUCH BRAMON, *Els remences*, cit., p. 313, E. DE HINOJOSA, *El régimen señorial y la cuestión agraria en Cataluña durante la Edad Media*, Madrid 1955, p. 214, J. FERNÁNDEZ TRABAL, *Una família catalana medieval. Els Bell-lloc de Girona 1267-1533*, Barcelona 1995, p. 188, entre autres.

[10] G. FELIU, *Els antecedents de la remença i els mals usos*, in "Quaderns de la Selva", 13, 2001, pp. 209-228, 220.

[11] P. GIFRE RIBAS, *En la prehistòria dels hisendats. De senyors útils a propietaris (Vegueria de Girona, 1486-1720)*, Tesi Doctoral, Universitat de Girona, 2009, p. 815 et 351.

relation. Les différences sont clairement perçues dans les grandes divergences ainsi que dans l'ostentation que montrent ceux qui s'enrichissent avec les dots apportées par exemple, non seulement avec de l'argent mais aussi avec des tissus ou d'objets de qualité[12], dans les biens matériels qu'ils possèdent[13] ou dans les différentes dimensions des mas et surtout dans les différents processus d'élargissement ou diminution de ceux-ci.

3. LES INÉGALITÉS ÉCONOMIQUES DANS LA VIEILLE CATALOGNE

La certitude qu'il y avait quelques remences avec plus de richesses que d'autres ne fait aucun doute et on peut affirmer exactement la même chose pour d'autres paysans. Parmi ceux-ci, je voudrais souligner, tout d'abord, le cas de Francesc de Verntallat, leader du soulèvement de 1462 ainsi que de son développement et de la résolution finale du conflit. Selon M. Freixa, Verntallat appartenait à une famille libre mais appauvrie et cela a peut-être motivé que lui tout comme sa sœur, se soient mariés avec des remences. De sa part, son beau-père est qualifié de paysan "riche mais remença". De plus, Verntallat était considéré un homme cultivé, au moins parce qu'il savait lire et écrire des lettres en catalan[14]. Sa position était clairement opposée aux "mals usos", en 1466 il a confirmé au nom du roi les privilèges de la "cellera" d'Anglès, avec l'inclusion de l'exemption de *cugúcia, intèstia, eixòrquia* et toutes les autres servitudes, accordées par R. de Cabrera en 1295.

Par ailleurs il faut souligner que, en 1406, le père de Verntallat avait acheté un "serf ou captif du genre ou race noire" pour 55 livres de Barcelone, la quantité qui équivalait à certaines des dots les plus élevées que les remences recevaient. Il faut croire que la possession d'esclaves de la part des paysans catalans n'était pas si exceptionnelle. J. Codina a découvert, dans la paroisse de Sant Boi au XVe siècle, remences et paysans qui avaient non seulement des valets de ferme et des bergers mais aussi quelques esclaves[15]. D'autre part, X. Marcó a localisé une famille remença qui possédait aussi un esclave dans la Vallée d'Aro[16]. La richesse de quelques paysans, non seulement remences, est aussi observée dans d'autres occasions. Selon J. Bolòs, en 1458 l'un des paysans dépendants du monastère de Sainta Maria de Serrateix a acheté une rente constituée (*censal mort*) du monastère[17].

Les remences étaient propriétaires du domaine utile et grâce à lui ils pouvaient agir selon leurs besoins, volontés et stratégies, avec l'autorisation préalable du propriétaire du domaine direct et avec, en contrepartie, quelques paiements de "compensation". Sans aucun doute, ceci a-t-il facilité et augmenté les inégalités[18]. Pour ne citer que quelques exemples, dans la paroisse d'Argentona, E. Subiñà, localise un paysan remença que reconnaît avoir 16 terres, bien qu'il ajoute que onze d'entre elles ont été sous-établies à d'autres paysans et que, à cause de cela, il perçoit une série de cens qu'il spécifie aussi[19]. Il faut dire que dans

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[12] E. GIRALT (dir.), J. M. SALRACH (coord.), *Història Agrària*, cit., p. 495, M. AVENTIN, *La societat rural a Catalunya en temps feudals. Vallès oriental, segles XIII-XVI*, Barcelona 1996, R. LLUCH, *Las dotes y la diferenciación campesina: una aproximación a partir de la exacción servil del matrimonio*, in A. FURIÓ, F. GARCIA-OLIVER, *Pautas de Consumo y niveles de vida en el mundo rural medieval*, sous presse, entre autres.

[13] P. BENITO, *Casa rural y niveles de vida en el entorno de Barcelona a fines de la Edad Media*, in *Ibid.*, sous presse.

[14] M. FREIXA, *Francesc de Verntallat. Cabdill dels remences*, Barcelona 2010, p. 45, 95 et 206.

[15] J. CODINA, *Els santboians de 1490. Com es vivia fa 500 anys a la vila de Sant Boi de Llobregat*, Barcelona 1990.

[16] X. MARCÓ, *Homes, dones i masos de la vall d'Aro a la segona meitat del segle XV. Aproximació prosopogràfica a una comunitat rural en temps de guerra i de revolta*, Treball de recerca, Universitat de Girona 2007.

[17] J. BOLÒS, *Diplomatari del Monestir de Santa Maria de Serrateix (segles X-XV)*, Barcelona 2006.

[18] G. FELIU, *Producció rural i urbana*, in "Martí l'Humà, el darrer rei de la dinastia de Barcelona (1396-1410). L'interregne i el Compromís de Casp", Institut d'Estudis Catalans, sous presse.

[19] E. SUBIÑÀ, *Argentona al segle XV. Terra de remences*, Argentona 2011, p. 144.

beaucoup de terriers de la Vieille Catalogne, parmi lesquels se trouve celui de l'Almoina [Aumône] de Gérone, il y a des mas, aussi bien de remences comme non remences qui reçoivent des cens d'autres mas, aussi bien de remences que de non remences. Ces rentes doivent être provoquées par le transfert, plus ou moins temporaire, du domaine utile de leurs propriétés. J. Fernàndez Trabal a documenté un cas plus complexe à Molins de Rei: la même terre avait quatre niveaux différents de domaine, le domaine direct appartenait au roi et le domaine utile était d'un mas, celui-ci avait établi la terre à un autre paysan, qui à son tour, avait fait le même avec quatre autres[20].

De toute façon, il n'y avait pas seulement des paysans qui avaient le domaine utile de biens immobiliers. Divers historiens ont présenté des cas dans lesquels des paysans avaient le domaine direct de terres et même de mas. Ainsi l'ont fait, par exemple Cuvillier dans la contrée d'Osona[21], M. Aventín dans la zone du Vallès[22] ou Pons Guri et E. Subiñà aussi dans le Maresme, dans ce cas un mas remença était, à son tour, propriétaire du domaine direct d'autre demi mas remença[23]. Freedman affirme que certains de ces paysans du Maresme recevaient des paiements comme *l'eixòrquia* et la rédemption, tandis qu'eux-mêmes avaient aussi à les satisfaire. Selon lui, "cela est particulièrement évident chez les bailes"[24].

4. Les differences économiques dans une paroisse de Girona: Brunyola

Les remences pouvaient utiliser des stratégies très diverses pour essayer d'augmenter leur propre patrimoine immeuble ainsi que leur potentiel économique. Désormais je présenterai le cas de deux mas de la même paroisse que coïncident en se détacher économiquement de la reste de leur communauté. Sans aucun doute, les mas et les familles qui les possédaient étaient remences et ont prêté des divers hommages serviles à leur seigneurie, ainsi que, en quelques occasions, ils ont dû payer par quelques uns des "mals usos". Par ailleurs, les deux sont des très bons exemples de différentes stratégies d'amélioration et nous pouvons analyser son évolution entre le période immédiatement antérieure à la peste Noire et le siècle XVI, lorsque le champ catalan était déjà pacifié. Et puis diverses nouvelles permettent pressentir qu'ils avaient une position sociale prééminente parmi le reste de ses voisins remences.

La paroisse de Brunyola n'a pas été choisie de façon aléatoire. Cette paroisse est située en pleine zone de la montagne de Girona, zone dans laquelle se sont produits quelques uns des principaux événements du conflit armé ouvert. En fait, selon Vicens Vives les pires conditions des remences de ce zone sont celles qui expliquent sa plus grande et plus agressive participation dans la guerre[25]. Selon les données du Grand Syndicat Remença réuni après 1486, Brunyola se trouve dans la zone de plus grande densité servile: 52 foyers

[20] J. Fernández Trabal, *Política, societat i economia en una vila catalana medieval: Molins de Rei, 1190-1512,* Molins de Rei 2005, p. 107.

[21] J.P. Cuvillier, *Les communautés rurales de la Plane de Vich (Catalogne) aux XIIIe et XIVe siècles*, dans "Mélanges de la Casa de Velázquez", IV, 1968, pp. 73-104, 78.

[22] M. Aventín, *La societat rural*, cit., p. 100.

[23] E. Subiñà, *Argentona*, cit., pp. 62, 73.

[24] P.H. Freedman, *Els orígens de la servitud pagesa a la Catalunya Medieval*, Vic 1993, p. 167, B. Oliva, *La petita noblesa del Maresme. Tres trajectòries: Des Bosc, Ferrer i Sala (s. XIV–XVII)*, Mataró 2002, p. 76-78, P. Benito, *Elites rurales et intermediaires de la seigneurie en Catalogne XIIe-XIVe s.): fortunes et strategies d'acroissement*, dans "Mélanges de l'Ecole française de Rome – Moyen Âge", 124, 2012, 2, pp. 417-428.

[25] J. Vicens Vives, *Historia*, cit.

ont dû contribuer au paiement des quantités prescrites dans la Sentence Arbitrale de Guadalupe[26].

La principale seigneurie féodale dans le terme de Brunyola était l'Almoina du Pain de Gérone qui avait la juridiction de ces territoires depuis 1381 et, en conséquence, faisait justice. Peut-être ceci aide à comprendre le degré d'implication de ses remences dans le conflit. Les hommes de l'Almoina se sont emparés du château et ils ont pris en otage son *paborde* ou administrateur. Dans ses livres de comptes on fait état de l'achat d'armes et du paiement de protection pour ce château et pour pouvoir y accéder afin de percevoir les cens.

4.1. *Le mas Devesa*

Une quinzaine d'années avant le premier soulèvement armé, en 1448, le roi Alfons autorisa les remences à s'organiser en syndicat qui les représentât devant les seigneurs féodaux. Le dimanche 27 octobre de 1448, en présence d'un notaire et de deux témoins, les hommes de Brunyola ont été convoqués, en faisant sonner les cloches et au son du corne, avec la permission de l'Almoina[27]. Un des deux témoins de la rencontre fut Pere Devesa, alors que l'autre, Joan Gordell, figure comme témoin lors de diverses réunions dans différentes paroisses. Ce même Pere Devesa fut l'un des 27 paysans qui se sont réunis dans la place de Brunyola pour traiter leurs demandes.

Qui était ce Pere Devesa? De quel mas provenait-il? Pourquoi entre tous les paysans de Brunyola a-t-il été témoin de la rencontre? Certainement, le mas Devesa était un mas servile et aussi tous ses habitants étaient-ils de condition servile. Et il était ainsi, au moins, depuis le XIIIème siècle lorsque ce mas apparaît documenté par première fois. Le mas Devesa exemplifie très bien ce que supposait la condition remença et quelques-unes des stratégies suivies pour accroître le potentiel économique ainsi que d'autres options que pouvaient prendre les remences.

Dans le terrier de 1530[28], Joana, veuve de Mateu Horta, aussi dit Devesa, reconnaît être *domina utilis et proprietaria mansi Devesa* et que *sumus et esse debemus homines proprii et solidi*. C'est pour cela qu'elle s'engage à prêter hommage à la seigneurie et à lui payer annuellement 3 sous de Barcelone en compensation des six "mals usos", tel que cela était recueilli à la citée Sentence Arbitrale de Guadalupe. Elle reconnaît également posséder le mas Devesa formé par quelques 30 *vessanas*[29] de terre cultivable plus autres 15 de bois, ainsi que 3 autres lopins de terre cultivable, avec une autre terre de bois, les quatre de plus de 20 *vessanas*. Lamentablement, elle n'éclaircit pas quelles étaient les terres qui faisaient partie de son mas, bien que leurs limites aient changé. L'antérieur terrier de l'institution, celui de 1336[30], ne se précisait pas non plus ni le contenu du mas ni sa surface mais si deux des lopins de terre qu'ils conservent en 1530.

Les cens dûs à l'institution selon les terriers de 1336 et de 1530 sont exactement les mêmes, ils n'ont absolument pas augmenté ni changé, mais les corvées ont été commuées par un paiement en espèces, comme cela arrive dans d'autres cas. En général en toute la paroisse, les prestations se maintenaient, spécialement celles qui étaient proportionnelles à la

[26] J. VICENS VIVES, *El Gran Sindicato*, cit.

[27] M.M. HOMS, *El sindicat remença de l'any 1448*, Girona 2005, pp. 161-162.

[28] ARXIU DIOCESÀ DE GIRONA (ADG), *Pia Almoina, Brunyola*, 1347, AHG, *Hospici*, 361.

[29] Cette mesure de surface équivaut à 2.187,4 m^2.

[30] ADG, *Pia Almoina, Brunyola*, 1089, AHG, *Hospici*, 337.

moisson. La base de la rente qu'obtenait l'Almoina à Brunyola n'a pas changé entre 1450 et 1550 et elle prendront encore des années à le faire[31].

Malgré cela, tout semble indiquer que les terres du mas Devesa augmentèrent entre 1336 et 1530. Au moins les propriétaires du dit mas apparaissent en des diverses occasions achetant ou vendant des terres: le livre de comptes de l'Almoina de 1339-1340[32] enregistre que Arnau Devesa a payé 60 sous par un lods d'un bout de terre avec bois. Dans le livre de 1351-1352[33], Pere Devesa payât trois lods de terres différents (30, 40 et 22 sous), provoqués par trois achats de terres. Le même Pere Devesa, en 1354-1355, a acquis un lopin de terre ou bois pour 25 sous et il a dû payer 2 sous[34].

Vingt ans après, le 7 septembre de 1374, Pere Devesa, fils et héritier de l'antérieur Pere Devesa, a acheté à des propriétaires d'un autre mas remença, quelques maisons et trois terres, pour 680 sous[35] et il est précisé que le domaine direct était de l'Almoina[36]. L'année suivante, le titulaire d'un mas servile a vendu à Pere Devesa un lopin de terre pour 180 sous pour lequel il devrait payer une *tasca* et la moitié de la dîme à l'Almoina, et son administrateur a autorisé et signé la vente[37]. Quelques mois après, un autre couple remença établit à Pere Devesa un bois qui appartenait à leur mas Vidal dans le but de qu'il "les aidât à payer le cens qu'ils devaient à l'Almoina". En 1377, ce fut les Devesa qui vendirent une vigne à un mas servile voisin pour 240 sous[38]. Le livre de comptes suivant enregistre d'autres achats de biens fonciers faites par Pere Devesa ou son fils Miquel, par ces achats ils ont payé en total plus de 700 sous de lods et ventes[39]. À nouveau, Miquel Devesa a vendu une vigne et un bois pour 110 sous[40]. Il y figure aussi dans le livre un autre lods et ventes par la vente d'une autre bout de terre de Miquel Devesa[41]. Sans aucun doute donc, la participation des Devesa dans le marché des terres a été constante pendant le siècle XIV. Selon les mots de Freedman, "le statut de remença n'était pas un obstacle pour l'accumulation de propriétés, mais l'amélioration du statut légal était un des premiers buts dès que les perspectives économiques étaient plus favorables"[42].

Pendant beaucoup de ces années, les propriétaires du mas Devesa ont acheté les rentes que l'Almoina recevait dans le terme de Brunyola[43]. Entre 1375 et 1378 ils ont payé pour elles 3.541 sous annuels et entre 1379 et 1382, son prix augmentât jusqu'aux 3.630 sous. Ainsi donc les Devesa ont participé activement dans l'affaire des rentes seigneuriales: ils recevaient la totalité des cens et la moitié des revenus extraordinaires, c'est-à-dire, surtout des lods de terres et des "mals usos". Dans quelques enregistrements comptables, il est

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[31] P. GIFRE, R. LLUCH, *Continuitats del mas català abans i després de la Sentència Arbitral de Guadalupe (segles XV-XVI)*, in *El mas català durant l'edat mitjana i moderna*, Barcelona 2001, pp. 593-610, 609-610.

[32] AHG, *Hospici*, 1890.

[33] AHG, *Hospici*, 18.

[34] AHG, *Hospici*, 20.

[35] Peu après le vendeur a été condamné par la Curie de Brunyola à payer 440 sous pour avoir usurpé les dites maisons du leur propriétaire, AHG, *Hospici*, 23.

[36] ADG, *Pia Almoina, Brunyola*, 56.

[37] ADG, *Pia Almoina, Brunyola*, 62.

[38] AHG, *Hospici*, 22.

[39] AHG, *Hospici*, 24.

[40] ADG, *Pia Almoina, Brunyola*, 54.

[41] AHG, *Hospici*, 26.

[42] P. H. FREEDMAN, *Els orígens*, cit., p. 166.

[43] À la ville de Sitges, l'achat des impôts seigneuriaux "a aidé certains membres de la communauté à s'imposer en tant que groupe privilégié". C. MUNTANER, *Terra de masos, vila de mar. Vida, economia i territori al castell de Sitges i el seu terme entre els segles XIV i XV (1342-1418)*, Tesi Doctoral, Universitat de Barcelona, 2013, p. 244.

précisé clairement que l'acheteur des rentes percevait la moitié du "mal ús" perçu par la seigneurie. Par ailleurs, on peut signaler que les Devesa ont payé le prix de la rente, la plupart du temps dans la même maison de l'Almoina à Gérone, avec de l'argent mais aussi avec une grande variété d'objets, quelques-uns presque de luxe: du blé, des cochons, des manteaux, des coupes, des peaux d'agneau, des mortiers, des objets en argent, etc. Les Devesa ont perçu la moitié de quelques "mals usos" de leurs voisins lorsqu'ils avaient parfois aussi dû payer ces exigences –théoriquement– abominées par les remences: aussi bien des obligations de dot comme des rédemptions[44]. Il est vrai qu'à partir de 1350 ils ne l'ont pas fait ou, peut être, l'enregistrement écrit n'a pas été conservé.

Un autre des éléments distinctifs de ce mas est qu'il est resté sans propriétaire en deux occasions pendant la première moitié du XVème siècle. En 1404, l'Almoina de Gérone a requis d'Arnau Devesa et de son épouse, domiciliés à Barcelone, qu'ils retournent à nouveau vivre et travailler le mas Devesa de Brunyola pour lequel ils étaient propres et solides. Les Devesa ont répondu qu'ils étaient disposés à chercher quelqu'un qui puisse prendre en charge le mas et payer les cens correspondants. Ils ont éclairci, en plus, qu'ils portaient 5 ans habitant Barcelone et, en fait, en tant que barcelonais ils ont été protégés par les Jurés de la ville. À partir de ce point un procès a été entamé dont nous ne connaissons pas la résolution[45], bien que nous sachions que, en 1429-1430, l'Almoina a établi le mas Devesa à un paysan avec l'engagement qu'il ne prêterait pas hommage pendant 10 ans[46].

Quelques années plus tard, en 1436-1437[47], le propriétaire du mas Devesa, *vagabundus et quasi mentecaptus*, l'avait abandonné et c'est pour cela que l'Almoina *suos sensus nec agraria habere minime poterat*. Dans le but de récupérer le mas, l'institution a dû décider de libérer gratuitement le propriétaire. Et après son renoncement aux droits qu'il avait, le mas a été établi à un autre paysan, Pere Ferrer, surnommé Sayes. Probablement il serait le Pere Ferrer, maintenant surnomé Devesa, à qui l'Almoina a établi une terre en 1445 en échange d'une entrée de 66 sous[48]. Et aussi probablement celui-ci serait le Pere Devesa qui a assisté et a été témoin de la réunion des remences de Brunyola en 1448.

4.2. *Le mas Horta*

Par de nombreux aspects la trajectoire du mas Horta est similaire à celle du mas Devesa. Ses propriétaires participaient au marché de la terre, ils achetèrent, vendirent, échangèrent et reçurent en emphytéose des terres, des forêts et d'autres types de biens[49]. Dans presque tous les cas, la vente et l'échange se firent avec d'autres mas serviles sis sur le même territoire et la même seigneurie directe. En 1367, les Horta voulurent, même, acheter la dîme du vin et des raisins de Brunyola, appartenant au domaine directe de l'Almoina, contre 1.000 sous. Le propriétaire du mas s'acquitta de la somme mais elle lui fut rendue car l'Almoina exerça son droit de rétraction[50].

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[44] AHG, *Hospici*, 8, 15, et 17; ADG, *Pia Almoina, Brunyola*, 721.

[45] ADG, *Pia Almoina, Brunyola*, 729, AHG, *Hospici*, 34; R. LLUCH BRAMON, *Els remences*.

[46] AHG, *Hospici*, 38, dans la partie "De expenssis factis per anar deffora" se a laissé une constance du prix de la moisson du mas "qui était dépeuplé".

[47] AHG, *Hospici*, 122.

[48] ADG, *Pia Almoina, Brunyola*, 89.

[49] Par exemple, en 1342, ils vendirent deux poules dont le *tercio* rapporta 9 sous au seigneur, AHG, *Hospici*, 8.

[50] ADG, *Pia Almoina, Brunyola*, 57-58 et 59.

En diverses occasions les propriétaires du mas avaient reconnu que le mas Horta était un mas remença[51]. À ce titre, ses membres s'étaient acquittés de divers "mals usos" à l'Almoina de Girona. En particulier, ils payèrent le droit de rachat et versèrent des sommes dérivées des noces des héritiers. Dans certains cas, ces unions impliquaient des exigences serviles pour les deux membres du couple. Ainsi, en 1383, lorsque l'héritier du mas paya l'hypothèque de la dot de sa femme, elle dût acquérir sa liberté pour pouvoir se marier et prêter hommage servile à l'Almoina[52]. Divers hommages dûs à cette institution ont été conservés. Entre autres, celui de 1329, relatif au fils naturel de la sœur de l'héritier ou celui du père et du fils installés à Riudellots de la Selva avec un métier reconnu[53]. De plus, on sait que Vidal d'Horta, titulaire du mas, assista à la réunion du syndicat des remences en 1448. Finalement, en 1832, le mas Horta del Molí payait trois sous annuels à la seigneurie en compensations des "mals usos" établis par la sentence arbitrale de Guadalupe[54].

Ainsi donc, la destinée du mas Horta est fort semblable à celle d'autres de la Vieille Catalogne. Ils achètent, vendent, paient des "mals usos", prêtent hommages, etc. Cependant, une question se pose, l'étaient-ils sur tous les aspects? En 1336, lorsque l'Almoina établit le terrier de toutes ses propriétés de Brunyola[55], elle fit annoter sur un autre rouleau de parchemin certains points qui ne furent pas traitées dans le premier document[56]. La nouvelle confession du titulaire du mas Horta est fort explicite: *ego Berengarius de Orta, parrochie de Bruneola [...] confiteor et recognosco vobis [...] preposito Elemosine [...] quod teneo per vos et dictam Elemosinam ad feudum ius personarum et alia iura que habeo in manso Jacobi et personis eiusdem* [...] et il ajoute que *predicta sunt et esse consueverunt de baiulia mansi Palacii.* Pour cela, il reconnaît également le paiement de 5 sous et 4 diners à l'Almoina. De fait, dans le terrier de 1336, le titulaire du mas Jaume reconnaît être homme propre, mais sa confession diverge de celle des autres paysans, car il n'ajoute pas qu'il "l'est de l'Almoina".

Sur la base de ces reconnaissances faut-il conclure qu'un mas remença avait des droits sur les personnes d'un autre mas remença? La réponse est affirmative, la documentation ne permet aucun doute. Le mas servile de Horta possédait des droits sur les personnes serviles du mas Jaume. Les deux étaient dans la même paroisse et leurs propriétaires assistèrent à la réunion du syndicat remença de 1448.

Bien évidement, disposer des droits n'est pas synonyme de l'exercice de ceux-ci. Mais, en de nombreuses occasions, les habitants du mas Jaume prêtèrent hommage aux habitants de celui de Horta. Par exemple en 1335, *ego Cecilia, uxor Poncii Jacobi de manso Jacobi, [...] redempta et absoluta a dominio cuius eram [...] evenio et facio me feminam propriam et solidam vestri Berenguarii de Orta, domini directi mansi Jacobi, presentis, [...] consencientis de quo manso vos consuevistis habere homines et feminas*[57]. Ces hommages ne se distinguent en aucun point de ceux que

[51] ADG, *Pia Almoina, Brunyola*, 1105: *Quod sum et esse debeo homo proprius et solidus dicte Elemosine cum uxore et infantibus meis presentibus et futuris et universis mobilibus bonis meis, ratione et occasione mansi de Orta, de quo predicta Elemosina debet et consueverit habere personas, in quibus habet intratas, exitas, firmas sponsaliciorum et alias intestias, exorquias et redempciones personarum* [...].

[52] AHG, *Hospici*, 26, ADG, *Pia Almoina, Brunyola*, 715.

[53] ADG, *Pia Almoina, Brunyola*, 647 et *Riudellots de la Selva*, 110, 111.

[54] P. GIFRE, *Servituds i prestacions pageses a l'època moderna. L'exemple del domini de l'Almoina del Pa de la seu de Girona (1486-1776)*, dans "Recerques", 30, 1994, pp. 7-26, 15.

[55] ADG, *Pia Almoina, Brunyola*, 1089-1139 y AHG, *Hospici*, 337.

[56] ADG, *Pia Almoina, Brunyola*, 1141-1165.

[57] ADG, *Pia Almoina, Brunyola*, 697.

pouvait recevoir l'Almoina où tout autre seigneur féodal. Les formules, les clauses, les conditions et les exigences sont exactement les mêmes[58].

Naturellement, recevoir un hommage servile n'implique pas l'exercice des exigences qu'il implique. Encore faut-il préciser que, dans les hommages serviles, il est très rarement fait mention de la soumission aux "mals usos". Cependant, dans celui prêté, en 1391, par Ponç Jaume en faveur de Pere Horta, il est précisé que *dictus Petrus de Orta habet et habere debet, consuevit et recipit œnsus, taschas et alia iura redemptionis hominum et mulierum et alias servitutes hominales*[59].

Le doute n'est pas permis et nous pouvons affirmer que les propriétaires du mas Horta exigeaient et encaissaient de leurs serfs des sommes dûes au titre des "mals usos"[60]. Deux rachats concédés par le propriétaire du mas Horta à l'un des membres du mas Jaume ont été conservées. L'un en 1306[61], pour un homme qui paya 30 sous pour sa liberté et un second, en 1390[62]. Ce dernier dossier éclaire parfaitement cet aspect: *ego Petrus de Orta [...] dominus ac heres proprietarius mansi de Orta, [...] absolvo, diffinio ab omni dominio, servitute et potestate mei [...] vos Alamandam, filiam Poncii Jacobi, eiusdem parrochie*. La femme libérée voulait se marier et, pour cela, elle versa 2 sous et 8 diners.

Ces documents ont été préservés dans les archives de l'Almoina car, en 1409, elle acheta le domaine direct du mas Jaume à Pere Horta et à sa mère. Le document de la vente ayant pas été conservé, il ne nous est pas possible de savoir quelle somme elle déboursa pour cet achat. Cependant, peu avant cela, le prévôt: *ané a Bruyola per regonèxer lo mas e terras d'en Jacme Ponç e per stimar-lo ab los hòmens e fembres, lo qual en P. d'Horta del dit, qui és seyor directa ab servitut de hòmens e de fembres, tasches e censsos, ha expossa venal.*

Mais, le mas Horta possédait également en alleux un autre mas remença de la paroisse, celui dit de Pla: *e senyoria de persones e cens que prench sobre lo dit mas*[63]. En 1338, son maître concéda 2 sous et 8 diners habitués à l'une des filles du mas Pla qui voulait se marier car elle était *virgine et non corrupta*[64].

À ce point de notre démonstration, il faut nous demander si le fait qu'un mas remença possède le domaine direct d'un, ou plusieurs, mas remença était un fait exceptionnel[65]. La consultation d'autres confessions incluses dans le terrier de 1336 éclaire notre lanterne: *Ego G. Lunelli, parrochie [...] de Bruneola, [...] confiteor et recognosco vobis [...] quod teneo per dictam Elemosinam mansum de Palastrino, quo inhabito [...], quis persone sint mansi Geraldi de Falgueriis*[66].

Dans le même document, le propriétaire du mas Falgueres reconnaissait qu'il est serf de l'Almoina et qu'il a le *dominium personarum cum redempcionibus, intestiis et exorquiis eorundem et aliis iuribus dictarum personarum* du mas Lunell. De celui-ci, il recevait des cens en argent mais aussi

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[58] Cela explique probablement pourquoi, lors de l'étude de plus de 1.000 parchemins conservés à l'Almoina de Girona, je n'avais pas saisi immédiatement que le titulaire du domaine direct n'était pas un seigneur mais un autre paysan.

[59] ADG, *Pia Almoina, Brunyola*, 722.

[60] Dans d'autres documents, la liberté est accordée par un dénommé Horta. Mais, pour l'heure, il n'a pas était possible d'établir avec assurance la connexion avec le mas du même nom situé à Brunyola. En effet, dans la paroisse voisine, à Sant Dalmai, il existait un autre mas portant le même nom et, au début du XIVe siècle, c'était aussi le nom du notaire du château de Brunyola. Afin d'éviter des erreurs, seuls ont été pris en compte ceux pour lesquels la correspondance est absolument avérée.

[61] ADG, *Pia Almoina, Brunyola*, 619.

[62] ADG, *Pia Almoina, Brunyola*, 720.

[63] AHG, *Hospici*, 337, ADG, *Pia Almoina, Brunyola*, 1089.

[64] ADG, *Pia Almoina, Brunyola*, 679.

[65] Cette problématique, que je n'avais pas traité lors de ma thèse de doctorat, s'est imposée grâce à de nouveaux dépouillements qui on apporté une nouvelle lumière sur les fonds que j'avais travaillé.

[66] ADG, *Pia Almoina, Brunyola*, 1109.

deux *jovas* : l'une en mai et l'autre lors des semailles. Par chance, dans ce cas aussi, le document relatif au recouvrement d'un "mal ús" a été conservé. En 1324, Bernat de Falgueres[devall] et son épouse concédaient la liberté à Pere Lunell *hominum nostrum proprium* contre 50 sous afin qu'il prête hommage a l'Almoina[67]. De plus, un membre du mas Falgueres et l'un du mas Lunell participèrent à la réunion de 1448.

Plus tard, en 1530, les propriétaires du mas Falgueresdevall reconnaissaient qu'ils détenaient, en domaine direct de l'Almoina, le droit d'hommage avec les 6 "mals usos" du mas Lunell et la perception des cens et des *joves* sus citées, alors qu'à cette date ils possédaient le mas Lunell et leurs maisons avaient été détruites.

EN GUISE DE CONCLUSION

Cette approche sur la ressource économique des serfs catalans montre qu'il existait de grandes disparités. Certains tiraient le meilleur parti du système. Ils travaillaient pour le seigneur comme bailes, achetaient des rentes seigneuriales et recouvraient la moitié des "mals usos" de leurs égaux ou achetaient des dîmes. Cette liste n'est nullement exhaustive. Le type de biens possédés, le montant des dots acquittées, la distance –plus ou moins grande- de l'origine du conjoint, le nombre de terres établies à d'autres paysans, la valeur des cens perçus d'autres paysans sont autant d'indicateurs de cette inégalité.

En fait, les inégalités économiques entre les remences sont indéniables. La documentation fournit de nombreux exemples, provenant de différents terroirs de Catalogne, de remences ayant différentes capacités économiques : remences pauvres, moyens et riches. Ils ont utilisé différentes stratégies pour accroître et améliorer leur potentiel économique.

Avec tout ça, ce qui est le plus surprenant est le fait que quelques mas remences puissent avoir des mas remences et, en plus, que ceux-ci exercent les droits seigneuriaux lorsque cela leur était possible: en recevant des hommages et en percevant des "mals usos" (et aussi des corvées). Il faut souligner que, à différence de très rares exemples apportés par l'historiographie précédente, en aucun cas il ne s'agit des mas qui avaient le baillie. Le baillie de Brunyola était au mas Vidal et au mas Palau.

Sans aucun doute, il nous faudra poursuivre ce travail afin de déterminer si ce ne sont que de cas particuliers ou s'il s'agit d'une situation habituelle. Peut-on établir un parallèle avec d'autres paroisses et existe-t-il des différences de l'une à l'autre ? En particulier, qu'en est-il de l'implication de leurs membres dans les conflits ouverts ? Cela ne sera pas tâche facile. Tributaire du taux de conservation de la documentation, elle dépendra aussi des sources qui peuvent encore se trouver dans des fonds familiaux non déposés et, par tant, difficiles d'accès pour le chercheur. Un autre point majeur est à tenir en compte. Si l'on omet les rachats qui requièrent une écriture pour prouver la liberté acquise, la plupart des paiements versés au titre des "mals usos" n'exigeaient pas le passage par l'écrit. La somme de difficultés à affronter sera, par conséquent, importante.

De toute manière, il nous faudra à nouveau repenser le rôle des "mals usos" dans le conflit des remences. Leur abolition avait centré leurs revendications devant les seigneurs. Bien souvent, les paysans affirmaient qu'ils les "haïssaient" parce qu'ils étaient "injustes" ... alors même que certains d'entre eux les exigeaient et les encaissaient. Quelques mas ont conservé et ont reconnu avoir ce domaine direct, au moins, jusqu'au siècle XVIe. Une dernière question de fonds se pose, qu'est-ce que nous devons penser de ces paysans qui étaient en même temps remença et seigneurs des remences et, en plus, payeurs et recouvreurs de "mals usos"?

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[67] ADG, *Pia Almoina, Brunyola*, 663, 665.

Martedì 16 aprile, ore 9

Prato, Aula Magna del Polo Universitario

Regimi signorili in Europa orientale:
la diffusione del servaggio e il consolidamento dell'economia

The seigniorial regimes in Eastern Europe:
the spread of serfdom and and their relationships with the world economy

Relazioni e comunicazioni

Presidente della seduta / Chairman: Adam Manikowski

Markus Cerman

Seigniorial Systems in East-central and Eastern Europe, 1300-1800: Regional Realities[1]

1. Introduction

In European history, the notion of an 'agrarian dualism', separating the development of Western and Eastern European rural society in the early modern period, is firmly established. The Western model became synonymous with a relatively early development of commercialization and agrarian capitalism, while in the East 'serfdom' encompassed unfreedom and economic and social backwardness in the long run. In the 1970s, world system theories[2] established a structural link between these two paths by means of a centre-semiperiphery model of economic development. Based on Jerome Blum's assessment of the 'rise of serfdom' in Eastern Europe[3], Hans Rosenberg's[4] classic studies on the Brandenburg-Prussian nobility and Marian Małowist's papers on trade and economic development[5], Immanuel Wallerstein identified the commercial rise of the (North-)West as a major reason for the allegedly widespread exploitation of forced labour and the underdevelopment of the East.[6] It is perhaps for its obvious simplicity and its natural fit into the contemporary Cold War-environment that older views of a principal East-West social and economic dualism, surprisingly backed by all major theoretical approaches in European Economic History, i. e. Malthusian, Smithian

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[1] I would like to thank Wim Blokmans, Piotr Guzowski, Sergej Pavlovič Karpov, Paolo Malanima, Carsten Rasmussen and Marten Seppel for their comments and advice on a first draft of this chapter. Gabriele Dorner designed the map in this article.

[2] I. WALLERSTEIN, *The Modern World System*, 1, New York 1976.

[3] J. BLUM, *The Rise of Serfdom in Eastern Europe*, in "American Historical Review", 62, 1957, pp. 807-836.

[4] H. ROSENBERG, *The Rise of the Junkers in Brandenburg-Prussia 1410-1653*, in "American Historical Review", 49, 1943, pp. 1-21 and 228-240, IDEM, *Bureaucracy, Aristocracy and Autocracy. The Prussian Experience 1660-1815*, Boston 1958.

[5] M. MAŁOWIST, *Poland, Russia and Western Trade in the 15th and 16th Centuries*, in "Past and Present", 13, 1958, pp. 26-41, IDEM, *The Economic and Social Development of the Baltic Countries from the Fifteenth to the Seventeenth Centuries*, in "Economic History Review", 12, 1959, pp. 177-189, IDEM, *The Problem of the Inequality of Economic Development in Europe in the Later Middle Ages*, in "Economic History Review", 19, 1966, pp. 15-28.

[6] I. WALLERSTEIN, *World System*, cit., esp. pp. 95-97.

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantecinquesima settimana di studi", 14-18 aprile 2013*

and historical-materialist readings[7] alike, became a deeply entrenched truism in European History in textbooks and even in specialist publications that has been difficult to challenge. Recent findings, however, would encourage revisiting these traditional interpretations, particularly, since criticism of other narratives of a pre-modern Western 'great divergence' and economic exceptionalism has not been entirely unsuccessful in the endeavour to question traditional macro-views.

In contrast to the original theories of 'demesne lordship' (*Gutsherrschaft*) arising in the late-nineteenth-century German Empire and to later models of an agrarian 'dualism' building on these, a growing awareness about the regional and territorial differentiation of economic and social structures emerged in the last three decades. Eastern European research amassed considerable empirical evidence against the view of a monolithic system of early modern East-Elbian lordship and (second) 'serfdom' between 1945 and the early 1980s already. According to more recent approaches, there existed a variety of seigniorial systems and rural power structures in the area, each of which was shaped and altered by specific institutional, regional and chronological contexts. 'Demesne lordship' is now understood as a 'social model' and used as an umbrella term for a continuum of manifestations – more liberal and harsher ones – in which everyday processes of negotiation, conflict and insubordination between villagers, their institutions and seigniorial and state authorities[8] shaped power relations in a local, regional and chronological context.[9]

This understanding is as much the result of advances in empirical studies since the 1980s as it is stimulus for new directions in research. It resulted in a decisive shift of focus towards a perspective 'from the village' (W. W. Hagen) and an assessment of the influence villagers and their institutions had in shaping local and regional social and economic conditions. It has contributed to a new interpretation as to the consequences of 'demesne lordship' in terms of rent obligations, economic burdens, living standard as well as the social and legal status of the rural population. Instead of a 'wretched' powerless peasantry now emerge self-confident, commercially successful tenant farmers with, in early-modern terms, satisfactory living standard.[10]

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[7] R. BRENNER, *Agrarian Class Structure and Economic Development in Pre-industrial Europe*, in *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-industrial Europe*, T. ASTON, C.H.E. PHILPIN eds., Cambridge 1988, pp. 10-63; W. KULA, *An Economic Theory of the Feudal System. Towards a Model of the Polish Economy, 1500-1800*, London 1976.

[8] See the contributions of S. OGILVIE and M. SEPPEL in this volume. See also E. LANDSTEINER, *Demesne Lordship and the Early Modern State in Central Europe*, in "Agricultural History Review", 59, 2011, pp. 266-292.

[9] J. PETERS, *Gutsherrschaftsgeschichte in historisch-anthropologischer Perspektive*, in *Gutsherrschaft als soziales Modell. Vergleichende Betrachtungen zur Funktionsweise frühneuzeitlicher Agrargesellschaften*, ed. IDEM, Munich 1995, pp. 3-21, IDEM, *Gutsherrschaftsgeschichte und kein Ende. Versuch einer Auskunft zu aktuellen Ergebnissen und Schwierigkeiten in der Forschung*, in *Festschrift für Gerhard Heitz zum 75. Geburtstag*, E. MÜNCH, R. SCHATTKOWSKY eds., Rostock 2000, pp. 53-80.

[10] See, in particular, W.W. HAGEN, *Ordinary Prussians. Brandenburg Junkers and Villagers, 1500-1840*, Cambridge 2002, pp. 184-279, IDEM, *European Yeomanries: a Non-immiseration Model of Agrarian Social History, 1350-1800*, in "Agricultural History Review", 59, 2011, pp. 259-265, and for a survey M. CERMAN, *Villagers and Lords in Eastern Europe, 1300-1800*, Houndmills Basingstoke 2012, pp. 111-23. For Russia see now L.V. MILOV, *Velikorusskij pachar' i osobennosti rossijskogo istoričeskogo processa*, Moscow

In contrast to the assumption of a traditional 'peasant society' preserved by the interests of the lords, we can find highly stratified rural social structures and regions with high yielding agriculture and successful participation in proto-industries and extra-agricultural activities. Finally and most importantly, the new approaches and findings rule out established models on the causes of the early modern developments whose explanatory powers either rested on the assumed existence of a uniform 'serfdom' or on the analysis of developments in a particular country or territory, suffering from a neglect of a comparative view.[11]

Based on this recent criticism and advances in empirical research, this contribution will propose a new interpretation of the social and legal conditions of the East European rural population after 1400. It will provide a new assessment of aspects associated with the assumed deterioration of the legal and social status of the villagers. It will argue that secure tenant property rights existed continuously, highlight that the increase of labour rents was achieved by negotiations and trade-offs and determine the scope for villagers' autonomous agency and decisions. Finally, the paper will scrutinize the macro-level 'dualism' approach and its major explanatory models and suggest an alternative framework for a future comparative analysis of welfare and economic growth in early modern (East) European rural societies. The geographic focus will be on the entire East-Central and Eastern European area, though developments in Russia proper will not be considered in detail, given the specific focus on Russian conditions in other papers of this conference.

THE MEANING OF 'SERFDOM' AND 'SUBJECTION'

In defining 'serfdom' for early modern Europe as a whole – not only for Eastern Europe – Jerome Blum identified the seigniorial powers of legal jurisdiction and mobility control as central and universal elements.[12] According to him, the increasing political powers of the nobility and the decline of cities determined that lords were able to install mobility controls and acquire rights of legal jurisdiction and used these to increase tenant exploitation in Eastern Europe during and after the late medieval crisis. As lords turned to agricultural production in direct management, the exploitation of tenant labour rents increased.[13] In spite of the apparent straightforward nature of this explanation, it would be wrong to believe that these influences were universal in East-Central and Eastern Europe. Neither did their presence shape a uniform institutional and economic structure in the period 1500 to 1800. In order to discuss this assertion I shall concentrate on four of the factors Blum mentions (legal jurisdiction, labour rents, seigniorial demesnes and tenant mobility) for a more

1998, pp. 190-213, B.N. MIRONOV, *The standard of living and revolutions in Russia, 1700–1917*, London/New York, 2012, pp. 100-105.

[11] See M. CERMAN, *Villagers*, cit., IDEM, *Demesne Lordship and Rural Society in Early Modern East Central and Eastern Europe: Comparative Perspectives*, in "Agricultural History Review", 59, 2011, pp. 239-258.

[12] J. BLUM, *Rise of Serfdom*, cit., pp. 809, 821.

[13] *Ibid.*, pp. 822-835.

detailed discussion. In addition, the paper will also deal with the questions of property rights and the powers of village communities.[14]

Seigniorial relations in early modern East-Central and Eastern Europe deteriorated to serfdom only in certain regions and periods (see below). In his survey, even Jerome Blum pointed out that the term 'serf' was applied to villagers who, in reality, lived under a wide range of scholarship applied conditions, from bondage and harsh lordship 'to men who were nearly free'.[15] Moreover, personal unfreedom of tenants and the rural population was never seen as constitutive of Eastern European agrarian regimes. Already Georg Friedrich Knapp, who coined the concept of demesne lordship, differentiated between forms of 'subjection' (for lack of a better word this will be my approximation to the concept of '*Untertänigkeit*' which is constituted by the tenure of land and does not include, as a rule, personal dependency or unfreedom, but is tied only to the unit of tenure, i. e. a farm or a smallholding), where secure property rights prevailed, 'not genuine' serfdom (tenants with insecure property rights but without personal bondage) and finally 'genuine' serfdom (lack of legal personality).[16] In a similar manner, the excellent expert of Brandenburg territorial history, Lieselott Enders, classified the variation based on the differentiation of the legal and social status of the rural population as one of subjection, hereditary subjection (when relations of subjection also extended to offspring) and outright serfdom.[17] Against this backdrop, it would not only be confusing to continue using the term serfdom to describe rural conditions in early modern East-Elbian Europe at large, but it also seems wrong.[18] Even in regions of serfdom, the consequences cannot be generalized but are subject to local influences, which can best be identified and characterized in regional case- und micro-studies.

THE LEGAL AND SOCIAL STATUS OF VILLAGERS AND THE ROLE OF VILLAGE INSTITUTIONS

Seigniorial domination over the rural population by means of the tenure of land must be analytically separated from the personal status of villagers, because the former was tenurial and based on landholding and did not include personal bondage (serfdom). While most Central- and Eastern-European language historiographies terminologically differentiate between these two concepts, and, in fact, even did so before 1990 (the equivalents of 'subjection', as opposed to serfdom are German *Untertänigkeit*, Czech *poddanství*, Slovak *poddanský stav*; Polish

[14] R. BRENNER, *Agrarian Class Structure*, cit.

[15] J. BLUM, *Rise of Serfdom*, cit., p. 808.

[16] G.F. KNAPP, *Die Bauernbefreiung und der Ursprung der Landarbeiter in den älteren Teilen Preußens. Erster Teil. Überblick der Entwicklung*, Leipzig 1887, pp. 22-28. See L. ENDERS, *Die Uckermark. Geschichte einer kurmärkischen Landschaft vom 12. bis zum 18. Jahrhundert*, Weimar 1992, H. KAAK, *Die Gutsherrschaft. Theoriegeschichtliche Untersuchungen zum Agrarwesen im ostelbischen Raum*, Berlin 1991, p. 67, R. ROSDOLSKY, *Untertan und Staat in Galizien. Die Reformen unter Maria Theresia und Joseph II*, Mainz 1992, pp. 112-117.

[17] L. ENDERS, *Uckermark*, cit.

[18] This opinion is shared in the contribution of A. SZÁNTAY, *Serfdom in 18th Cœntury Hungary*.

poddaństwo, Hungarian *jobbágyság*), there seems to be no equivalent for the first concept in English. In fact, safe for the regions in which serfdom was introduced by law as personal bondage (Mecklenburg, Pomerania, two districts of Brandenburg and – less clearly – the South-Eastern areas of Schleswig-Holstein), the status of villagers is normally characterized as 'subject' in these historiographies. With regard to the actual situation of villagers, the literature often differentiates between 'serfs' and 'subjects' in terms of specific aspects of tenurial or property rights, access to legal courts, mobility restrictions or labour rent levels. Even in territories, in which serfdom was introduced, this did not usually include all parts of the country and in the areas affected, too, there usually existed groups of free or privileged population (such as new settlers). 'Serfdom' could disappear again after certain periods, such as for the tenants on royal estates in Eastern Pomerania in 1719 (where serfdom was introduced in 1616).[19] Villagers retained their right to act as parties in legal matters even in territories where serfdom was formally established.[20]

As far as property rights are regarded, research has already unmasked the view of a mass expropriation of tenant farms in favour of the expansion of demesnes as a myth very early on. Expropriations were more widely used in two territories only: areas of Mecklenburg and Pomerania. Even there, they remained confined to particular periods or were limited in other respects. For instance, expropriations mostly occurred on noble but hardly on princely estates. After the Thirty Years' War, lords seized abandoned tenant farms as an emergency measure. Expropriations of occupied farms occurred during the eighteenth century most likely in the context of the introduction of the more advanced *Koppelwirtschaft (mecklenburgische Schlagwirtschaft,* a form of convertible husbandry). Yet, for instance, in the Mecklenburg district of Ratzeburg, hereditary tenure continued to exist throughout the seventeenth and eighteenth centuries, a better tenurial position is also assumed for the estate of the monastery of Dobbertin.[21] The denial of formal property rights did not prevent that tenants transferred holdings by inheritance, as case studies on eighteenth-century Mecklenburg show.[22] Also in areas of Swedish Pomerania, there were areas in which hereditary tenure continued to exist in the second half of the seventeenth century.[23]

Contrary to previous accounts, research now confirms that secure property rights of villagers were the rule rather than the exception in East-Elbian areas.[24] It

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[19] H. BRANIG, *Geschichte Pommerns*, 2, Cologne 1997, p. 79.

[20] J. BLUM, *Rise of Serfdom*, cit., p. 809.

[21] H. KAAK, *Gutsherrschaft*, cit., pp. 131-32, F. MAGER, *Geschichte des Bauerntums und der Bodenkultur im Lande Mecklenburg*, Berlin 1955, pp. 180, 248-49, T. RUDERT, *Gutsherrschaft und Agrarstruktur. Der ländliche Bereich Mecklenburgs am Beginn des 18. Jahrhunderts*, Frankfurt-on-Main 1995, p. 43.

[22] K. GORONCY, G. HEITZ, *Zur Entwicklung des bäuerlichen Erbrechts in Mecklenburg im 18. Jahrhundert*, in "Wissenschaftliche Zeitschrift der Universität Rostock Gesellschafts- und spachwissenschaftliche Reihe", 21, 1972, pp. 21-27, here pp. 23-27.

[23] See for the estate of the Chapter of Cammin H. BRANIG, *Geschichte*, cit., 1, p. 127, C. J. FUCHS, *Der Untergang des Bauernstandes und das Aufkommen der Gutsherrschaften, aus archivalischen Quellen aus Neu-Vorpommern und Rügen*, Strasbourg 1888, pp. 162-166.

[24] See already G. HEITZ, *Agrarischer Dualismus, Eigentumsverhältnisse, Preußischer Weg*, in *Studia historica in honorem Hans Kruus*, Talinn 1971, pp. 303-314, here pp. 305-307.

has always been uncontested that hereditary property rights of tenant farms and smallholdings were practically universal in the late medieval period. Later developments towards potentially more insecure property rights, which began in the sixteenth century, cannot be denied, but they were often confined regionally or to a specific period. Moreover, they did not necessarily weaken existing villagers' property rights in general but rather resulted from the aim to secure seigniorial investments in newly established or repaired holdings which were leased to tenants with full equipment and capital provided by the lord. These forms of lease (*Laßbesitz*) aside, which often resulted in a de facto hereditary usufruct, secure property rights (forms of hereditary tenure or hereditary leasehold) dominated in early-modern Bohemia, Moravia and Lower Silesia (and also in many regions of Upper Lusatia)[25], Poland[26], many regions of the Electorate of Brandenburg[27] and in Schleswig-Holstein outside the core zones of the demesne economy.[28] In Hungary, hereditary use-rights of tenants were largely maintained, although sales and alienation may have been restricted. There existed secure and largely unrestricted special property rights over vineyards. For the resettlement of the Ottoman provinces, new tenants were offered secure property rights throughout the seventeenth and eighteenth centuries, which improved the situation also in other areas of Hungary.[29] Tenants held hereditary rights to their farmsteads in Courland

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[25] D. ŠTEFANOVÁ, *Erbschaftspraxis, Besitztransfer und Handlungsspielräume von Untertanen in der Gutsherrschaft. Die Herrschaft Frýdlant in Nordböhmen, 1558-1750*, Munich 2009, E. MAUR, *Das bäuerliche Erbrecht und die Erbschaftspraxis in Böhmen im 16.-18. Jh.*, in "Historická demografie", 20, 1996, pp. 93-118.

[26] M.L. BUSH, *Servitude in Modern Times*, Cambridge 2000, p. 129, S. CACKOWSKI, *Struktura społeczna i gospodarcza wsi województwa chełmińskiego w okresie pierwszego rozbioru Polski*, Toruń 1985, p. 179, J. HEYDE, *Bauer, Gutshof und Königsmacht. Die estnischen Bauern in Livland unter polnischer und schwedischer Herrschaft 1561-1650*, Cologne 2000, p. 65, S. INGLOT, *Historia chłopów polskich. Tom I. Do upadku Rzeczypospolitej szlacheckiej*, Warsaw 1970, pp. 313, 315, A. MĄCZAK, *Gospodarstwo chłopskie na Zulawach Malborskich w początkach XVII wieku*, Warsaw 1962, I. RYCHLIKOWA, *Klucz wielkoporębski wodzickich w drugiej połowie XVIII wieku*, Wrocław 1960, pp. 46-53, L. ŻYTKOWICZ, *Studia nad gospodarstwem wiejskim w dobrach kościelnych XVI w.*, Warsaw 1962, pp. 42-48, see, however, the interpretation in R. ROSDOLSKY, *Untertan*, cit., pp. 195-218.

[27] L. ENDERS, *Das bäuerliche Besitzrecht in der Mark Brandenburg, untersucht am Beispiel der Prignitz vom 13. bis 18. Jahrhundert*, in *Gutsherrschaftsgesellschaften im europäischen Vergleich*, ed. J. PETERS, Berlin 1997, pp. 399-427, W.W. HAGEN, *Village Life in East-Elbian Germany and Poland, 1400-1800: Subjection, Self-defence, Survival*, in *The Peasantries of Europe*, ed. T. SCOTT, London/New York 1998, pp. 145-189, E. MELTON, *Gutsherrschaft in East Elbian Germany and in Livonia, 1500-1800: a Critique of the Model*, in "Central European History", 21, 1988, pp. 315-349, here pp. 332-333.

[28] H. KAAK, *Gutsherrschaft*, cit., p. 276, M. NORTH, *Die frühneuzeitliche Gutswirtschaft in Schleswig-Holstein. Forschungsüberblick und Entwicklungsfaktoren*, in "Blätter für Deutsche Landesgeschichte", 126, 1990, pp. 223-242, 232, C.P. RASMUSSEN, *Domänenwirtschaft im Herzogtum Schleswig von 1530 bis 1770*, in *Landwirtschaftliche Großbetriebe und Landschaft im Wandel*, J. EBERT, C. BAIERL, I. MARSCHALL eds., Bielefeld 2005, pp. 81-103, 85.

[29] M.L. BUSH, *Servitude*, cit., p. 143, D. CHIROT, *Social Change in a Peripheral Society. The Creation of a Balkan Colony*, New York 1976, p. 53; P. HORVÁTH, *Der Charakter des Spätfeudalismus in der Slowakei*, in "Studia Historica Slovaca", 7, 1974, pp. 78-101, here pp. 95-96, 99-100, A.J. JANOS, *The Politics of Backwardness in Hungary 1825-1945*, Princeton 1982, pp. 27-29, I.N. KISS, *Der Agrarcharakter der ungarischen Exporte vom 15. bis 18. Jahrhundert*, in "Jahrbuch für Wirtschaftsgeschichte", 1, 1978, pp. 147-169, 148, D. PRODAN, *The Origins of Serfdom in Transylvania*, in "Slavic Review", 49, 1990, pp. 1-18, here 11-12, J. VARGA, *Typen und Probleme des bäuerlichen Grundbesitzes in Ungarn, 1767-1849*, Budapest 1965,

and Livonia until at least 1600. Also during the seventeenth century the transfer of holdings to heirs seems to have been usual. Within the jurisdiction of larger towns tenant property rights were stronger and may have been maintained in the seventeenth and eighteenth centuries.[30] Even in Pomerania, where many tenants were stripped of secure property rights in the first half of the seventeenth century, hereditary tenure continued to exist in certain regions. In 1719 tenants on princely estates in Prussian Pomerania regained hereditary rights over their holdings.[31]

An important part of landlord powers in demesne lordship may have been constituted by the control of higher jurisdiction over the rural population.[32] To acquire such rights from the prince and the state was a long-term and complicated process which determined that the outcome could differ strongly between territories. To some extent, lords received higher jurisdiction in Brandenburg[33], Courland[34], the Czech Lands[35], Livonia[36], Mecklenburg[37] and, though not necessarily in a formal manner, in Poland.[38] In Schleswig-Holstein, all noble lords were granted the privilege of legal jurisdiction in 1524, but in practice, this was only executed in the areas, where consolidated estate property had evolved during the later Middle Ages.[39]

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pp. 9-10, A. VÁRI, *Adelsherrschaften, Bauern und Pächter in der ungarischen Gesellschaft zwischen 1711 und 1848*, in "Zeitschrift für Agrargeschichte und Agrarsoziologie", 51, 2011, pp. 68-89. Landlords provided the capital for holdings and livestock to attract settlers for new farms. See A. SZÁNTAY, *Serfdom*, cit.

[30] H. BOSSE, *Der livländische Bauer am Ausgang der Ordenszeit (bis 1561)*, Riga 1933, pp. 402-418, E. DUNSDORF, *The Livonian estates of Axel Oxenstierna*, Stockholm 1981, p. 9, J. HEYDE, *Bauer*, cit., pp. 64-65, A. SCHWABE, *Grundriß der Agrargeschichte Lettlands*, Riga 1928, pp. 97-111, 142-143; A. SOOM, *Der Herrenhof in Estland im 17. Jahrhundert*, Lund 1954, pp. 4-5.

[31] W. BRÜNNECK, *Die Leibeigenschaft in Pommern*, in "Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germ. Abt.", 9, 1888, pp. 104-152, pp. 145-146, 149.

[32] J. BLUM, *Rise*, cit., p. 809; H. KAAK, *Gutsherrschaft*, cit., pp. 2-3, 435-446, H. KAAK, *Vom Erbzinsrecht zur Leibeigenschaft - Entstehung agrarischer Zwangsformen im frühneuzeitlichen Brandenburg*, in "Zeitschrift für Weltgeschichte", 8, 2007, pp. 71-103, here 76-78.

[33] L. ENDERS, *Entwicklungsetappen der Gutswirtschaft vom Ende des 15. bis zum Beginn des 17. Jahrhunderts, untersucht am Beispiel der Uckermark*, in "Jahrbuch für Geschichte des Feudalismus", 12, 1988, pp. 119-65, here 142, H. KAAK, *Erbzinsrecht*, cit., pp. 76-78, C. SCHMIDT, *Leibeigenschaft im Ostseeraum. Versuch einer Typologie*, Cologne 1997, p. 32.

[34] W. ECKERT, *Kurland unter dem Einfluß des Merkantilismus. Ein Beitrag zur Staats- und Wirtschaftspolitik Herzog Jakobs von Kurland (1642-1682)*, Riga 1927, p. 11.

[35] W. BOELCKE, *Bauer und Gutsherr in der Oberlausitz. Ein Beitrag zu Wirtschafts-, Sozial- und Rechtsgeschichte der ostelbischen Gutsherrschaft*, Bautzen 1957, H. FEIGL, *Die Entwicklung der schlesischen Grundherrschaft unter den Habsburgern (1526 bis 1742)*, in *Kontinuität und Wandel. Schlesien zwischen Österreich und Preußen*, ed. P. BAUMGART, Sigmaringen 1990, pp. 135-165, *Historia chłopów śląskich*, S. INGLOT et al. eds., Warsaw 1979, E. MAUR, *Gutsherrschaft und „zweite Leibeigenschaft" in Böhmen. Studien zur Wirtschafts-, Sozial- und Bevölkerungsgeschichte*, Munich 2001.

[36] J. HEYDE, *Bauer*, cit., p. 65, C. SCHMIDT, *Leibeigenschaft*, cit., pp. 52-53.

[37] F. MAGER, *Geschichte*, cit., p. 72, H. MAYBAUM, *Die Entstehung der Gutsherrschaft im nordwestlichen Mecklenburg (Amt Gadebusch und Amt Grevesmühlen)*, Stuttgart 1926, C. SCHMIDT, *Leibeigenschaft*, cit., p.26.

[38] W.W. HAGEN, *Village life*, cit., p. 171, J. HEYDE, *Bauer*, cit., p. 65, S. INGLOT, *Historia*, cit., pp. 318-319, C. SCHMIDT, *Leibeigenschaft*, cit., pp. 45, 94-95, 131, A. WYCZAŃSKI, *Czy chłopu było źle w Polsce XVI wieku?*, in "Kwartalnik historyczny", 85, 1978, pp. 627-641, here pp. 629-632.

[39] S. GÖTTSCH, *„Alle für einen Mann ...". Leibeigene und Widerständigkeit in Schleswig-Holstein im 18. Jahrhundert*, Neumünster 1991, p. 224, H. KAAK, *Erbzinsrecht*, cit., p. 99, J. KLUSSMANN, *Leibeigenschaft*

Landlord jurisdictional rights were neither universal nor of homogeneous consequences for the rural population. The Teutonic Order in Prussia, for instance, maintained control over affairs of criminal justice and retained other rights of higher jurisdiction in certain parts of the country.[40] In Hungary, the rural population could only turn to their lords in legal matters from 1608 onwards, but court procedures were not carried out by individual lords but by the county administration. Moreover, in 1767, lords were excluded from juries that dealt with villagers of their own estates.[41] The nobility did not hold higher jurisdiction everywhere. In areas in which princes maintained a high share of land and estate ownership, noble jurisdiction remained limited, too. As a result, in 1826, 84 per cent of the population in East Prussia belonged under royal and only 16 per cent under seigniorial jurisdiction. In Brandenburg, the proportion was 69 per cent royal and 31 per cent seigniorial, in Pomerania 60 and 40 per cent. Only in Silesia the majority was under seigniorial jurisdiction (62 per cent). Yet, quite contrary to the theory of a correlation between seigniorial jurisdictional rights and strict demesne lordship, Lower Silesia in particular has always been known as an example of looser forms of lordship relative to other Eastern European regions. In the former Polish province of Poznań, no villagers were under seigniorial jurisdiction in 1817.[42]

In addition, seigniorial jurisdiction was kept in check, because in most countries villagers maintained the right to appeal to territorial/princely/royal law courts. These institutions interfered in legal conflicts between lords and villagers, if one party demanded so, or overruled seigniorial jurisdiction in case of misuse of landlord powers. Among the examples best analyzed belongs the Brandenburg princely/royal chamber court to which villagers turned frequently and which was an important authority to limit seigniorial power and protect villagers' rights.[43]

Another common misrepresentation holds that village communities did not exist as institutions or were so weak that they did not play a role in determining rural power relations in East-Elbian areas. According to Robert Brenner's opinion,

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im frühneuzeitlichen Schleswig-Holstein, in *Leibeigenschaft. Bäuerliche Unfreiheit in der frühen Neuzeit*, ed. J. KLUSSMANN, Cologne 2003, pp. 213-240, here p. 218, M. NORTH, *Gutswirtschaft*, cit., p. 228, W. PRANGE, *Das adlige Gut in Schleswig-Holstein im 18. Jahrhundert*, in *Staatsdienst und Menschlichkeit. Studien zur Adelskultur im späten 18. Jahrhundert in Schleswig-Holstein und Dänemark*, C. DEGN, D. LOHMEIER eds., Neumünster 1980, pp. 56-75, here 58-60, C.P. RASMUSSEN, *Ostelbische Gutsherrschaft und nordwestdeutsche Freiheit in einem Land - die Güter des Herzogtums Schleswig 1524-1770*, in "Zeitschrift für Agrargeschichte und Agrarsoziologie", 52, 2004, pp. 25-40, here 29-30.

[40] G. AUBIN, *Zur Geschichte des gutsherrlich-bäuerlichen Verhältnisses in Ostpreußen von der Gründung des Ordensstaates bis zur Steinschen Reform*, Leipzig 1910, pp. 107-108, F.-W. HENNING, *Herrschaft und Bauernuntertänigkeit. Beiträge zur Geschichte der Herrschaftsverhältnisse in den ländlichen Bereichen Ostpreussens und des Fürstentums Paderborn vor 1800*, Würzburg 1964, pp. 37-41.

[41] M.L. BUSH, *Servitude*, cit., p. 45, A.J. JANOS, *Politics*, cit., p. 29, B.K. KIRÁLY, *Hungary in the Late Eighteenth Century. The Decline of Enlightened Despotism*, New York/London 1969, p. 52, D. PRODAN, *Origins*, cit., p. 10, A. ŠPIESZ, *Der feudale Grundbesitzer und der Bauer in Böhmen, Mähren und in der Slowakei im 17. und 18. Jahrhundert*, in *Large Estates and Small Holdings in the Middle Ages and Modern Times*, P. GUNST, T. HOFFMANN eds., Budapest 1982, pp. 317-37, here 329.

[42] H. BORCKE-STARGODT, *Grundherrschaft - Gutsherrschaft. Ein Beitrag zur Agrargeschichte*, in "Jahrbuch der Albertus-Universität zu Königsberg", 10, 1960, pp. 176-212, here 195-196.

[43] L. ENDERS, *Uckermark*, cit., pp. 183-186, 188-189, 193-201, 344-351, H. KAAK, *Erbzinsrecht*, cit., pp. 83, 90, C. SCHMIDT, *Leibeigenschaft*, cit., p. 95.

villagers in East-Central and Eastern Europe were unable to stem the tide of lords trying to make them shoulder the burdens of the late medieval crisis due to the weakness of communities. By contrast, functioning village institutions were thought of contributing to prevent similar developments in the West.[44] Various schools of rural and agrarian history share Brenner's view of a comparative weakness of village communities in the East or even denied their existence altogether, claiming that they lacked communal economic resources – with the exception, of course, of the Russian commune, which, quite to the contrary, seems to have gained quite an iconic status as a rural power house.

More recent research provides a thorough reappraisal, for instance for Brandenburg[45], the Czech Lands (including Upper Lusatia and Lower Silesia)[46] and Poland.[47] Case studies have shown convincingly that procedures of local administration and jurisdiction remained in place even though landlord control or interference in these competences may have increased in some areas. Pressure of lords to seize the holdings of village headmen during the sixteenth century was met by villagers' resistance. It is therefore wrong to assume that village institutions and their elected representatives were replaced everywhere. In the central areas of Brandenburg, there were 720 privileged hereditary headmen, whereas 1,146 received their position from the demesne lord just before 1800. As late as the eighteenth century, Brandenburg villages insisted on their right to elect their headmen freely and refused to accept candidates chosen by the lord.[48] In the estates of the Knights Order of St. John, 60 of 100 villages had positions of hereditary headmen in the eighteenth century.[49] In Upper Lusatia, Lower Silesia and many areas of Bohemia and Moravia privileged village headmen and elected village officials continued to be a dominant pattern.[50] Even in Mecklenburg, there was considerable regional variation in this respect. It was mostly in noble estates, for instance in the west of the Duchy, that headmen were removed. Here, the relation between headmen and tenant holdings was as low as 1:100, whereas it was between five and six per hundred holdings in princely and church estates.[51]

The continuous influence of village communities throughout East-Central and Eastern Europe is most evident with regard to the functions related to village courts and their representatives, village headmen as bailiffs/justices and aldermen and jurors. They were responsible for the lower jurisdictional sphere, such as for

[44] R. BRENNER, *Agrarian Class Structure*, cit.

[45] L. ENDERS, *Die Landgemeinde in Brandenburg. Grundzüge ihrer Funktion und Wirkungsweise vom 13. bis zum 18. Jahrhundert*, in "Blätter für deutsche Landesgeschichte", 129, 1993, pp. 309-332, H. ZÜCKERT, *Die brandenburgische Landgemeinde bis zum Dreißigjährigen Krieg, ihre Organe und Kompetenzen*, in *Gemeinde, Reformation und Widerstand. Festschrift für Peter Blickle zum 60.Geburtstag*, H. SCHMIDT, A. HOLENSTEIN, A. WÜRGLER eds., Tübingen 1998, pp. 25-42.

[46] D. ŠTEFANOVÁ, *Erbschaftspraxis*, cit.

[47] P. GUZOWSKI, *Chłopi i pieniądze na przełomie średniowiecza i czasów nowożytnych*, Cracow 2008.

[48] L. ENDERS, *Uckermark*, cit., pp. 529-32, J. PETERS, *Märkische Lebenswelten. Gesellschaftsgeschichte der Herrschaft Plattenburg-Wilsnack, Prignitz 1500-1800*, Berlin 2007, pp. 101-103.

[49] H. KAAK, *Erbzinsrecht*, cit., p. 95.

[50] D. ŠTEFANOVÁ, *Erbschaftspraxis*, cit.

[51] T. RUDERT, *Gutsherrschaft*, cit., pp. 74-77.

property matters and neighbourhood conflicts. Village court rolls also included protocols of village court sessions (partly attended by landlords or their representatives), of other formal village assemblies and documented further important matters, such as contracts with neighbouring villages or lords regarding contested pasturing rights or use of lakes, ponds etc. Village courts and their representatives must be regarded as an important element of autonomy that yielded power in local affairs which has long been underestimated. They represented the village in official investigations, conflicts or in other matters.[52] This meant that lords relied on the cooperation of villages and their representatives. This is not to say that, like in the West, these officials did not exploit their position to the disadvantage of other villagers in certain situations. After all, interests were split among social, economic or religious groups and could cause internal conflicts.[53] In such cases, the consequences could be stronger for lower social strata.[54] Even given this asymmetry, though, communities did not hesitate to confront their representatives, sometimes with the help of lords.[55] Especially the lower social strata often sought refuge in calling upon seigniorial justice and courts to settle village-level conflicts in which they felt disadvantaged.[56]

Contrary to previous beliefs, the economic status of village communities could be quite strong. To begin with, there are village accounts.[57] This falsifies assumptions that villages were denied financial autonomy. Secondly, the older opinion that commons were small throughout East-Central and Eastern Europe due to a dominant settlement pattern of nucleated villages with consolidated tenant hides cannot be maintained. Common resources could be quite extensive, deriving from settlement or because they were enlarged on desertions and available seigniorial land.[58] Thirdly, village communities managed their assets themselves: they enlarged them, if land

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52 D. ŠTEFANOVÁ, *Die Schöppenbücher*, in *Die Habsburgermonarchie in der frühen Neuzeit - eine exemplarische Quellenkunde*, J. PAUSER, M. SCHEUTZ, T. WINKELBAUER eds., Munich 2003, pp. 511-515, M. CERMAN, *Social Structure and Land Markets in Late Medieval Central and East-central Europe*, in "Continuity and Change", 23, 2008, pp. 55-100, L. ENDERS, *Landgemeinde*, cit., L. ENDERS, *"Wir 34 Dorfschulzen des Kreises Stendal klagen ..." Glanz und Elend des Schulzenamtes in der Altmark (13. - 18. Jahrhundert)*, in "Jahrbuch für Geschichte Mittel- und Ostdeutschlands", 48, 2003, pp. 219-268, P. GUZOWSKI, *Chłopi*, cit., pp. 44-49, B.K. KIRÁLY, *Hungary*, cit., p. 57, D. ŠTEFANOVÁ, *Erbschaftspraxis*, cit.

53 See, e. g., T. RUDERT, *Gutsherrschaft und ländliche Gemeinde. Beobachtungen zum Zusammenhang von gemeindlicher Autonomie und Agrarverfassung in der Oberlausitz im 18. Jahrhundert*, in *Gutsherrschaft als soziales Modell. Vergleichende Betrachtungen zur Funktionsweise frühneuzeitlicher Agrargesellschaften*, ed. J. PETERS, Munich 1995, pp. 197-218, D. ŠTEFANOVÁ, *Erbschaftspraxis*, cit.

54 T. DENNISON, *The Institutional Framework of Russian Serfdom*, Cambridge 2011, S. HOCH, *Serfdom and Social Control in Russia: Petrovskoe, a Village in Tambov*, Chicago 1986, E. MELTON, *Household Economies and Communal Conflicts on a Russian Serf Estate, 1800–1817*, in "Journal of Social History", 26, 1993, pp. 559-585, S. OGILVIE, *Communities and the "Second Serfdom" in Early Modern Bohemia*, in "Past and Present", 187, 2005, pp. 69-120.

55 H. HARNISCH, *Die Landgemeinde in der frühen Neuzeit und die Gemeindebauten*, in "Zeitschrift für Agrargeschichte und Agrarsoziologie", 40, 1992, pp. 168-185, here p. 175, T. RUDERT, *Gutsherrschaft und ländliche Gemeinde*, cit., D. ŠTEFANOVÁ, *Erbschaftspraxis*, cit.

56 J. THAUER, *Gerichtspraxis in der ländlichen Gesellschaft. Eine mikrohistorische Untersuchung am Beispiel eines altmärkischen Patrimonialgerichts um 1700*, Berlin 2001, here esp. 298-299.

57 H. HARNISCH, *Landgemeinde*, cit., pp. 174, 179.

58 E. g. for Hungary J. VARGA, *Typen*, cit., A. VÁRI, *Adelsherrschaften*, cit.

reserves were available (such as after the late medieval crisis) by purchasing or renting plots; they regulated their use; they sold or opened common land for the settlement of new holdings of cottagers and crofters, especially from the sixteenth century onwards.[59] In the occasion that villager's use rights were restricted, this only happened very late: for instance, in the newly resettled areas of Hungary towards the end of the eighteenth century. This did not result from demesne lordship or landlord pressure, either. Rather, a state tax survey (cadastre) separated tenant and seigniorial property and classified all areas not directly in tenant ownership as seigniorial land.[60]

To summarize, like in the West, village communities commanded over economic resources autonomously or in common with lords. As institutions, they maintained an important role in local self-government, collective protest and bargaining with seigniorial or state authorities and influenced strongly the local manifestation of seigniorial relations. This conclusion should not surprise given that villages and their representatives received significance when local administration and jurisdiction was were originally formed in many parts of the area in the Later Middle Ages. Although lords challenged these and village offices in some regions from the fifteenth century onwards, there can be no doubt about the fact that this downgrading was far from being successful everywhere.

EXPLAINING THE RISE OF EAST-ELBIAN DEMESNE LORDSHIP: A CRITICAL SURVEY

The previous section established that a weak legal and social status of villagers cannot be assumed universal in early modern East-Central and Eastern Europe. Personal bondage was even more exceptional, and confined to a few regions or short periods within the early modern age. This undermines traditional approaches which aimed to explain the emergence of a compact and uniform system of 'serfdom'. In the following, two conventional explanatory models will be tested against new empirical results. These show that there were strong regional and chronological discrepancies in the extent, importance and organization of the commercial demesne economy. To that end, I shall argue that the results also rule out a uniform pattern of economic consequences and a general presence of villagers' labour rents (*corvée*) which were traditionally regarded as a central economic characteristic of a monolithic concept of demesne lordship and 'serfdom'.

The first explanatory model assumes that the rise in grain demand following the Western European recovery from the crisis of the Late Middle Ages stimulated a shift towards the extension of seigniorial demesne arable farming in East-Central and Eastern Europe. A high proportion of desertion of tenant farms and a steep decline in other forms of seigniorial income due to price inflation and the lack of tenants represented additional reasons for this change.[61] At first glance, this view can be backed by the fact that, with the exception of Upper Lusatia and Lower

[59] L. ENDERS, *Uckermark*, cit., IDEM, *Landgemeinde*, cit., H. HARNISCH, *Landgemeinde*, cit., pp. 176, 179, D. ŠTEFANOVÁ, *Erbschaftspraxis*, cit.

[60] A. VÁRI, *Adelsherrschaften*, cit.

[61] J. BLUM, *Rise*, cit., pp. 819-821.

Silesia, the agriculture of East-Central and Eastern Europe produced a grain surplus in all but the most severe years of harvest or political crises.

However, in order to support the 'export hypothesis', grain exports must be shown to have stimulated a particular sector of the agrarian economy, i. e. demesne grain production, and a specific organization of labour, namely labour rents, at a particular point of time (c. 1450-1600). In several countries, agricultural goods exported were not related to arable farming but to pastoral activities (oxen from Hungary, Poland-Ukraine, Schleswig-Holstein and Denmark; sheep from Moldavia/Wallachia to the centres of the Ottoman Empire), dairy farming (Schleswig-Holstein, Denmark) or viticulture (Hungary). In Hungary, oxen and wine were not primarily produced by the demesne sector but, as far as they did not engage in trade, bought from tenants or collected by rents in kind. Grain exports from demesnes in the western parts of the country represented only a small share of total agricultural exports.[62] Their influence on the expansion of the demesne sector more widely must therefore have been small.[63] When demesnes produced wine or specialized in dairy farming the production was almost exclusively organized with wage labour (viticulture) and paid servants (dairy).[64] But even in countries in which arable agriculture came to dominate demesnes in 1550-1600, as in Bohemia and Moravia, the export model cannot be applied. The literature agrees that the rise of demesne farming in these two territories was linked to domestic demand, especially strong trends of urbanization, and to a growing demesne grain output for beer production, again consumed locally or within the countries.[65]

This leaves only a handful of territories for which the 'export hypothesis' can possibly be applied. Among those, developments in Mecklenburg, from where grain exports of an until now unknown quantity originated, and Brandenburg, whose grain exports were considerable during the late sixteenth and early seventeenth century, basically corresponded to the argument. However, Brandenburg's exports collapsed during the Thirty Years' War and when the production picked up again, it met rising

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62 I.N. KISS, *Agrarcharakter der ungarischen Exporte*, cit., Z.P. PACH, *Die ungarische Agrarentwicklung im 16.-17. Jahrhundert. Abbiegung vom westeuropäischen Entwicklungsgang*, Budapest 1964, pp. 85-86, V. ZIMÁNYI, *Economy and Society in Sixteenth and Seventeenth Century Hungary (1526-1650)*, Budapest 1987, pp. 34-35.

63 J. PERÉNYI, *Zur Frage der „zweiten Leibeigenschaft"*, in *La Renaissance et la Reformation en Pologne et en Hongrie (1450-1650)*, G. SZÉKELY, E. FÜGEDI eds., Budapest 1963, pp. 173-176, here 174.

64 See for the patterns in Schleswig-Holstein C.P. RASMUSSEN, *Corvée and Paid Work. Work and Workers at Manors in Schleswig and Holstein in the 18th Century*, in *Work and Production on Manors in the Baltic Sea Region 1700-1900*, ed. K. SUNDBERG, Stockholm 2002, pp. 165-192, C.P. RASMUSSEN, *Innovative Feudalism. The Development of Dairy Farming and* Koppelwirtschaft *on Manors in Schleswig-Holstein in the Seventeenth and Eighteenth Centuries*, in "Agricultural History Review", 58, 2010, pp. 172-190.

65 A. KLÍMA, *Agrarian Class Structure and Economic Development in Pre-industrial Bohemia*, in *The Brenner debate*, cit., pp. 204-205, E. MAUR, *Gutsherrschaft*,cit., pp. 59-83, 122-180, R. SUNDHAUSSEN, *Zur Wechselbeziehung zwischen frühneuzeitlichem Außenhandel und ökonomischer Rückständigkeit in Osteuropa. Eine Auseinandersetzung mit der Kolonialthese*, in "Geschichte und Gesellschaft", 9, 1983, pp. 544-563, 554, L. ŻYTKOWICZ, *Trends of Agrarian Economy in Poland, Bohemia and Hungary from the Middle of the Fifteenth to the Middle of the Seventeenth Century*, in *East-Central Europe in Transition: from the Fourteenth to the Seventeenth Century*, A. MĄCZAK, H. SAMSONOWICZ, P. BURKE eds., Cambridge 1985, pp. 59-83, here 68-71, 81.

domestic demand during the eighteenth century.[66] So, if exports represented a stimulus for the original growth, the impact did not last. The export quantities of the Baltic territories, Livonia and Estonia, could not compete with those originating from Gdańsk until the late seventeenth century. Moreover, which proportion of these came from demesne farms or was purchased or collected as commodity rents from tenant farmers remains unclear. There is also evidence of independent contacts between exporters and tenant farmers.[67] More data are available for the princely demesne sector in Ducal Prussia. According to these, demesnes were definitely linked to the grain trade and grain exports, but only a small proportion of the total grain turnover was actually traded. Some of it actually originated from tenant rents or was purchased from tenants as demesne grain production expanded relatively late in the sixteenth century. Thus, Ducal Prussia does not really form an ideal candidate to lend support to the 'export hypothesis', either.[68]

This leaves only the 'classic' case, the grain trade of the Polish Commonwealth via Gdańsk. There has been an extensive debate as to whether export demand solely or predominantly stimulated the establishment of demesne farms in Poland. A recent contribution concentrating on royal demesnes perhaps highlights the key problem, that domestic demand and other influences have been underestimated. In several regions, demesnes actually produced primarily for domestic markets.[69] There are several other critical factors that rule out a direct application of the theory to the Polish case, either. To begin with, the great majority of grain exported originated from regions in which demesne farming was weakest (adjacent to Gdańsk such as Pomerella, Royal Prussia, Mazovia, Cuiavia and Eastern Great Poland) until the late sixteenth century. Furthermore, exports represented only a relatively small share of total grain production or total grain marketed. Also, the regions which produced most of the Polish export grain did not correspond to those in which tenant labour rents were most widely used for demesne arable production.[70] Finally, there were many areas of the Commonwealth (for instance in the Grand Duchy of Lithuania) that remained unconnected to the grain trade throughout the early modern period because of their remote location in terms of major navigable rivers or sea ports.

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[66] H. HARNISCH, *Die Herrschaft Boitzenburg. Untersuchungen zur Entwicklung der sozialökonomischen Struktur ländlicher Gebiete in der Mark Brandenburg vom 14. bis zum 19. Jahrhundert*, Weimar 1968, p. 188, IDEM, *Die Gutsherrschaft in Brandenburg. Ergebnisse und Probleme*, in "Jahrbuch für Wirtschaftsgeschichte", 4, 1969, pp. 117-147, IDEM, *Bäuerliche Ökonomie und Mentalität unter den Bedingungen der ostelbischen Gutsherrschaft in den letzten Jahrzehnten vor Beginn der Agrarreformen*, in "Jahrbuch für Wirtschaftsgeschichte", 3, 1989, pp. 87-108, 108; H. KAAK, *Erbzinsrecht*, pp. 79-81.

[67] J. KAHK, E. TARVEL, *An Economic History of the Baltic Countries*, Stockholm 1997, pp. 46-47, O. LIIV, *Die wirtschaftliche Lage des estnischen Gebietes am Ausgang des XVII. Jahrhunderts*, Tartu 1935, pp. 168-301, A. SOOM, *Der baltische Getreidehandel im 17. Jahrhundert*, Stockholm 1961, pp. 202-208.

[68] H. BORCKE-STARGODT, *Grundherrschaft - Gutsherrschaft*, cit.; M. NORTH, *Die Amtswirtschaften von Osterode und Soltau. Vergleichende Untersuchungen zur Wirtschaft im frühmodernen Staat am Beispiel des Herzogtums Preußen in der zweiten Hälfte des 16. und in der ersten Hälfte des 17. Jahrhunderts*, Berlin 1982, H.-H. WÄCHTER, *Ostpreußische Domänenvorwerke im 16. und 17. Jahrhundert*, Würzburg 1958.

[69] P. GUZOWSKI, *The Influence of Exports on Grain Production on Polish Royal Demesne Farms in the Second Half of the Sixteenth Century*, in "Agricultural History Review", 59, 2011, pp. 312-327.

[70] A. WYCZAŃSKI, *Studia nad folwarkiem szlacheckim w Polsce w latach 1500-1580*, Warszawa 1960, p. 109.

The question of the distribution of labour rents in Poland leads us to another issue, for which recent research has helped to scrutinize explanations offered by the traditional literature. J. Blum summarizes the classic view according to which the seigniorial economic reorientation towards demesne farming automatically caused the rise of labour rents.[71] The understanding underlying such statements being that this was done by force – bringing unwilling tenants to work more and more for the demesne economy. Hence, most historiographical approaches regard labour rents as the strongest burden associated with demesne lordship and some use their extent to distinguish between milder or harsher forms of demesne lordship or outright serfdom. The borderline is set at weekly labour obligations of three days for draught teams (full tenant farms) or manual labour (for smallholders or cottagers without draught animals) per tenant holding.[72]

However, recent in-depth studies for areas of Brandenburg, combined with older empirical evidence for other East-Elbian regions now form a convincing basis for a thorough reassessment of this development. They demonstrate that the initial rise of labour rents was far from a one-sided process of exerting seigniorial pressure on defenceless tenants. The process was not a zero-sum game. The growth of *corvée* owed much more to bargaining between lords and tenants in which both sides achieved advantages. While a connection between demesne activities and the search for tenant labour is undeniable, (i) labour rents were not always the mode of operation chosen and (ii), consequently, the *way* in which lords secured tenant labour for demesnes has long been misinterpreted. In its initial phases, the growing labour demand of the demesne economy did not move along a path that would ultimately lead to a universal 'serfdom'. In fact, the direction of future developments remained open and, in many regions continued to do so until the very end of the early modern period. One possible pattern was that phases of stronger exploitation of tenant labour rents were of a very limited duration and concentrated in certain regions only, in which specific conditions or exogenous shocks contributed to using them to a greater extent. Such phases usually alternated with those characterized by other forms of organization of demesne production, such as leasing demesnes or using servants and wage labour to a larger degree. In many regions, forced labour remained of secondary importance and represented a rather limited burden. In conclusion, the demesne economy and the use of tenant labour rents did not constitute elements of a universal serfdom in early modern East-Central and Eastern Europe, either.[73]

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[71] J. BLUM, *Rise*, cit., pp. 822, 826-833.

[72] H. HARNISCH, *Gutsherrschaft in Brandenburg*, cit., pp. 146-147, IDEM, *Zusammenhänge zwischen Feudalrente, bäuerlicher und gutsherrlicher Warenproduktion und den Ware-Geld-Beziehungen in der Magdeburger Börde*, Weimar 1980, p. 12, IDEM, *Probleme einer Periodisierung und regionalen Typisierung der Gutsherrschaft im mitteleuropäischen Raum*, in "Jahrbuch für Geschichte des Feudalismus", 10, 1986, pp. 251-74, here 252, 272-273, F.-W. HENNING, *Dienste und Abgaben der Bauern im 18. Jahrhundert*, Stuttgart, 1969, pp. 46-70, 116-119.

[73] M. CERMAN, *Villagers*, cit., IDEM, *Constrained Labour in Early-modern Rural East-central and Eastern Europe: Regional Variation and Its Causes*, in *Labour, Coercion and Economic Growth in Eurasia, 17th-20th Centuries*, ed. A. STANZIANI, New York/Leiden 2012, pp. 191-214.

In the late fifteenth-century environment of high levels of village desertions and a strong competition for tenants, the bargaining position of villagers was strong. Given this background, the gradual change towards using more tenant labour for cultivating demesnes should be interpreted as a complex process of negotiations in which lords had to offer something in exchange for the work.[74] The original demands of labour rents and simultaneous pressure for the increase of other rents occurred at a time when real values of original burdens were at an all-time low and income for tenant farmers was growing during the sixteenth century. Farmers and smallholders were thus able to absorb some of this pressure in a period of rising living standard without any significant loss of income.[75] The significant general erosion of rent levels in cash and kind in real terms between the fifteenth and early seventeenth century was recently emphasized in surveys on Brandenburg and Poland[76] and is evident in numerous case studies for regions in East-central and Eastern Europe.[77] The increase of labour rents frequently came in return for freezing or reducing other rents or for rewards such as additional land or new privileges. Villagers were often prepared to accept this, because they could minimize cash rents in periods of low agricultural prices or reap maximum commercial profits during agricultural booms, because their market quota was not affected by seigniorial demands.[78]

Initially, tenant farmers and smallholders may have consented to occasional labour rents, which were requested rather than commanded or were introduced by means of formal contracts between demesne lords and villages in return for the reduction of other dues, as mentioned above, for additional land or certain privileges in terms of property or use rights.[79] Strictly speaking, therefore, tenants may actually have been compensated for the introduction of labour rents in ways they preferred. At a time, when inflation had eroded much of the original value of cash rents, the rural population may have viewed these offers as advantageous and agreed to render *corvée*, especially when levels were still very low (a few days per year). Reduction of other rents or alternative forms of compensation may have

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[74] M. CERMAN, *Constrained Labour*, cit.; W.W. HAGEN, *How Mighty the Junkers? Peasant Rents and the Seigneurial Profits in Sixteenth-century Brandenburg*, in "Past and Present", 108, 1985, pp. 80-116, W.W. HAGEN, *Village Life*, cit., p. 168, W.W. HAGEN, *Ordinary Prussians*, cit., pp. 32nn, 65nn, H. MAYBAUM, *Entstehung*, cit., p. 134.

[75] W. KULA, *An Economic Theory of the Feudal System. Towards a Model of the Polish Economy, 1500-1800*, London 1976, p. 125.

[76] P. GUZOWSKI, *A Changing Economy: Models of Peasant Budgets in Fifteenth- and Sixteenth-century Poland*, in "Continuity and Change" 20, 1, 2005, pp. 9-25, W.W. HAGEN, *Village Life*, cit., W.W. HAGEN, *Ordinary Prussians*, cit.

[77] H. HARNISCH, *Gutsherrschaft in Brandenburg*, cit., J. MUSZYŃSKA, *Gospodarstwo chłopskie w starostwie sandomierskim 1510-1663*, Kielce 1991, H. WAJS, *Powinności feudalne chłopów na Mazowszu od XIV do początku XVI wieku (w dobrach monarszych i kościelnych)*, Warszawa 1986.

[78] M. CERMAN, *Villagers*, cit., IDEM, *Constrained Labour*, cit.

[79] L. ENDERS, *Uckermark*, cit., pp. 179, 193-200, EADEM, *Die Prignitz. Geschichte einer kurmärkischen Landschaft*, Potsdam 2000, pp. 400nn, EADEM, *Frondienst in der Altmark. Analyse und Vergleich*, in "Jahrbuch für Geschichte Mittel- und Ostdeutschlands", 49, 2004, pp. 83-147, H. MAYBAUM, *Entstehung*, cit., p. 130, M. NORTH, *Die Entstehung der Gutswirtschaft im südlichen Ostseeraum'* in "Zeitschrift für historische Forschung", 26, 1, 1999, pp. 43-59, here p. 57.

been seen as enhancing income and thus as attractive incentive to engange in bargaining over labour rents.[80]

Some studies argue that during a period of low grain prices in fifteenth-century Polish regions, villagers preferred the change towards labour rents, because the relation between the proceeds of grain sales and serving their rents changed to their disadvantage. By giving up some of their land as well, they were able to reduce overall rent levels without threatening their subsistence livelihood. The earliest legislation of maximum labour services on Diets within parts of the Polish Commonwealth in 1520 is thus seen as a means to prevent that all villagers could exchange their rents in cash and kind against labour rents rather than as the result of a general landlord push to increase labour rents.[81] This is refuted by the study of Piotr Guzowski, who argues that contemporary village foundation charters which provided the conditions according to which new settlers would be attracted, rarely refer to labour rents. Consequently, lords must have assumed that tenants wanted to avoid them.[82] This important evidence does not question the new interpretation that labour rents were installed by negotiation, not force; but certainly, the question whether they were attractive rent forms for tenants will remain open for discussion and will defy a general answer. Like the views of landlords on using labour rents, interests of villagers may have been inconsistent as well. As late as in 1770, a village in one of the Esterházy estates in Hungary offered labour rents to avoid the introduction of a rent in kind.[83]

In many cases landlords and villagers fixed their agreements in formal contracts. Some were flexible enough to give both parties the right to choose between labour and payments at levels previously agreed. If conditions changed, rent obligations could be flexibly shifted from one mode to the other.[84] Some had the drawback that they were not explicit about the 'help' for harvest or haymaking etc. in specific quantitative terms. Thus, when demesne lords extended their demesnes or built new ones, their demand would increase automatically. This left tenants vulnerable or caused disagreements. As a consequence of such events, villagers insisted that a specified level of labour rents be written down once and for all.[85] By setting an explicit number of days or clearly described tasks, room for deliberate misunderstandings of negotiated levels became smaller. This may have been the reason behind the well-known general regulations of a certain number of service days per week. As a result, the increasing formalization of labour rent duties may also have been caused by the interests of villagers (and not only those of lords).

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[80] W. KULA, *Theory*, cit., p. 125.

[81] K.MIKULSKI, J. WRONISZEWSKI, *Das Vorwerk und die Wandlungen der wirtschaftlichen Konjunktur in den polnischen Ländern im 14.-17. Jahrhundert*, in *Ostmitteleuropa im 14.-17. Jahrhundert - eine Region oder Region der Regionen?*, M. DYGO, S. GAWLAS, H. GRALA eds., Warsaw 2003, pp. 115-126, here 122.

[82] P. GUZOWSKI, *The Role of Enforced Labour in the Economic Development of Church and Royal Estates in 15th and 16th-century Poland.*

[83] A. DOMANOVSZKY, *Zur Geschichte der Gutsherrschaft in Ungarn*, in *Wirtschaft und Kultur. Festschrift für A. Dopsch*, ed. E. PATZELT, Baden 1938, pp. 441-469, here 459.

[84] L. ENDERS, *Frondienst*, cit., p. 90.

[85] *Ibid.*, pp. 92, 94.

This is not to say that lords did not try to undermine existing agreements or increase their pressure if it was in their interest when bargaining positions or economic conditions changed. Sixteenth-century population growth and state concessions to the Estates could strengthen landlords (or contributed to weakening tenants) and the macroeconomic environment of a secular growth in grain prices made further investments in demesnes more attractive. On the other hand, pressure on tenants' labour was eased by the increasing availability of rural wage labour and the erosion of real wages resulting from population growth and rising agricultural prices. This provided a cheap and straightforward alternative to otherwise costly renegotiations of labour rents or avoided stubborn villagers' resistance that would almost automatically follow from an increase of labour rents or landlord pressure.[86] Nevertheless, landlord actions often enough resulted in open conflicts.[87] As Brandenburg examples show, tenant farmers and smallholders were ready to fight fierce legal battles with their demesne lords over binding arrangements for labour rents.[88]

While many lords and princes were perhaps interested in using forced labour for demesne enterprises, others participated in the push to extend labour rents for different reasons or even if they had no immediate use for them. One cause may have been that lords intended to invest in demesnes at a later date; a more likely reason, however, was that they just wanted to raise the value of their estates and cash income from them. The value would increase automatically if villagers were principally obliged to render labour rents. When labour rents were introduced but not needed, lords would convert them into cash payments in lieu at once and receive additional rent income. This policy has recently been analyzed systematically for sixteenth-century Lower Austria.[89] Lords in Southern Bohemia introduced or raised labour rents in exchange for granting hereditary tenure for some of their villages in the late sixteenth century.[90] Mostly, these were immediately commuted to cash, because there was no actual demand for the labour. It seems that demesnes mainly relied on servants and wage labour at this time.[91]

As lords faced the decision to either raise money and commodity rent levels or turn to direct management to compensate for their declining incomes during the sixteenth century, a model developed by Hartmut Harnisch would predict that tenant rents would stagnate in the long run, once they chose the second path. It means that, structurally, the possible increase of labour rents – especially when negotiated with villagers, which can be assumed to have been the norm – would

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86 See for examples for the use of force in this respect L. ENDERS, *Uckermark*, cit., pp. 179, 195, 198-199, H. HARNISCH, *Gutsherrschaft*, cit., pp. 135-139, H. MAYBAUM, *Entstehung*, cit., pp. 135-136, 149.

87 L. ENDERS, *Uckermark*, cit., pp. 193-201, EADEM, *Frondienst*, cit., p. 145.

88 *Ibid.*, p. 97-99.

89 E. LANDSTEINER, *Demesne Lordship*, cit.

90 M. CERMAN, *Venkovské společnosti a agrárně-dějepisecké tvoření modelů v nové perspektivě. Srovnávací analýza středo- a východoevropských agrárních struktur od 14. do 17. století*, in "Časopis Matice moravské", 120, 2001, pp. 337-395.

91 J. ČECHURA, *Adelige Grundherrn als Unternehmer. Zur Struktur südböhmischer Dominien vor 1620*, Vienna 2000.

always be accompanied by very mild other rent burdens[92], certainly compared to Western European forms of ancien régime seigniorialism, let alone market rents.[93] Studies on farm income in East Prussia or Schleswig-Holstein suggest that money and commodity rents were much lower in labour rent areas than in regions without *corvée*.[94] During the sixteenth century, at least, the effect of rising labour rents relative to the increase of other rents on living standard could thus be ambiguous and will need systematic investigation.

The extent of the demesne sector was an important factor in determining the amount of labour rents and whether they had to be actually performed (i. e. were not converted into payments in lieu). The demesne economy experienced strong fluctuations over time and its importance was characterized by differences between regions.[95] These were caused by market forces, such as periods of stagnant agricultural prices after 1600/1650 or during the first half of the eighteenth century[96], shifts in management policies or by exogenous shocks such as the Ottoman Wars in Hungary, the Thirty Years' War in Brandenburg, Mecklenburg and Pomerania or the seventeenth- and eighteenth-century Northern Wars in the Baltic. Cases of severe losses of momentum in the expansion of the demesne economy or of its contraction include the princely properties in Schleswig-Holstein beginning in the late sixteenth and continuing throughout the seventeenth century, princely estates in Ducal Prussia around 1600, late seventeenth-century Mecklenburg, Brandenburg, Hungary, Livonia, Estonia (with a further setback due to the Great Northern War until 1720) and regions of the Polish Commonwealth. While lords seized deserted tenant land in some Bohemian estates after 1650, demesne farms started being abandoned for good in others in the last decades of the seventeenth century. Demesne growth and modes of operation (see below) thus were anything but continuous. In several Eastern European territories, the share of demesne land remained quite limited throughout the early modern period (Table 1).

Tab. 1. **The share of demesne (arable) land, c. 1550-1800 (in per cent of total land)**

Territory	1500s	1600s	1700s	1800s
Bohemia		20.0	24.3	
Brandenburg			33.3	
East Prussia (princely)			7.0	
East Prussia (noble)			61.6	
Estonia	20.0	26.3	26,3	

[92] H. HARNISCH, *Gutsherrschaft*, cit.

[93] See for existing comparisons M. CERMAN, *Villagers*, cit., pp. 111-23.

[94] F.-W. HENNING, *Dienste und Abgaben*, cit., H.-C. STEINBORN, *Abgaben und Dienste holsteinischer Bauern im 18. Jahrhundert*, Neumünster 1982, E. MELTON, *Gutsherrschaft*, cit.

[95] M. CERMAN, *Constrained Labour*, cit.; IDEM, *Demesne Lordship*, cit.

[96] M. NORTH, *Amtswirtschaften*, cit., IDEM, *Untersuchungen zur adligen Gutswirtschaft im Herzogtum Preußen des 16. Jahrhunderts*, in "Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte", 70, 1983, pp. 1-20, IDEM, *Gutswirtschaft*, cit., pp. 234-240.

Hungary	16.7	5.0-30.0	27.0	
Livonia	20.0	25.0	40.0	
Mecklenburg (noble estates)			52	
Moravia			16.0	
Poland		44.0		
Pomerania (princely)			52.6	
Pomerania (noble)			62.0	
Russia			26.0-36.0	45.3-54.7

Source: M. CERMAN, *Villagers*, cit.

Available studies on landlord income confirm the variation reflected in data on the proportion of demesne land. In the Eastern Baltic or in Bohemia and Moravia, rents in cash and kind dominated income in at least half of the estates by around 1600. Even if estate accounts show significant sums deriving from grain sales and thus suggest an important role of demesne farming, some or even the majority of the grain traded may actually have originated from the tenant sector. Thus, the influence of the demesne economy may haven been overestimated which can only be determined by closer investigation.[97]

The ways lords operated demesne farms and secured the necessary labour were characterized by considerable discontinuities. There occurred shifts between a policy that acknowledged the assumption of a lower productivity of labour rents and favoured the employment of wage labour and servants on the one hand and one of a more extensive use of labour rents on the other. One way or another, the latter approach was often rooted in efforts to curb costs for initial investments (such as for draught animals and equipment) or production. Market swings caused changes in the mode of operation (between leasing and direct management) and in the labour regime.[98] For instance, labour rents were converted into payments in lieu in princely estates in late sixteenth- and early seventeenth-century Ducal Prussia to compensate for shortfalls in income occurring due to phases of lower agricultural prices. With this money, also more servants could be hired. The administration changed its policy in relatively brief intervals. In the estate of Ostróda, for instance, *corvée* was converted in 1615 and then reintroduced in 1622.[99] After the Thirty Years' War, the lack of tenants, for instance in Mecklenburg or Brandenburg, prevented that demesne farms could be run predominantly with labour rents. Instead, servants and wage labourers had to be hired or demesne farms needed to be leased out, because the occupied tenant holdings could not be burdened with additional labour rents. The bargaining power of villagers had increased and new

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97 H. BORCKE-STARGODT, *Grundherrschaft - Gutsherrschaft*, cit., pp. 180-181, J. ČECHURA, *Adelige Grundherrn*, cit., M. CERMAN, *Villagers*, cit., J. KAHK, E. TARVEL, *Economic History*, cit., p. 50, H. WÄCHTER, *Ostpreußische Domänenvorwerke*, cit.

98 H. KAAK, *Gutsherrschaft*, cit., pp. 284-287, M. NORTH, *Amtswirtschaften*, cit., pp. 77-78, 81, 100, H.-H. WÄCHTER, *Ostpreußische Domänenvorwerke*, cit., pp. 12, 56-59, 61, 64, 71-74, 143, 147, 153-185.

99 M. NORTH, *Amtswirtschaften*, cit., pp. 77-78, 81, 100, M. NORTH, *Lohnarbeit*, cit., pp. 13-14.

tenants could only be attracted when their labour rent obligations were limited or if *corvée* was not demanded at all at least for a certain number of years.[100] As late as in the beginning of the eighteenth century, about a third of the noble demesne farms in East Prussia were operated entirely by wage labour, because there was an insufficient number of tenants providing *corvée*.[101]

In a more general perspective, the shifting balance of bargaining powers between lords and tenants during the seventeenth century is one of the reasons, why an explanatory approach assuming that a general trend of labour rents, extending demesnes and establishing mobility restrictions was a consequence of the Thirty Years' War and the crisis of the seventeenth century fails to hold up to closer empirical investigation. It has been shown convincingly for Brandenburg that the feudal reaction after 1650 had to compete with princely absolutism and stronger exactions by the tax state.[102] To preserve the shrinking tax base, Brandenburg prince-electors were determined to limit seigniorial pressure on villagers. Successful village resistance, too, prevented a systematic increase of burdens. The experience of these decades also limited the powers of demesne lords to increase labour rents in the period to follow after 1700, when population levels and agricultural demand had recovered enough to extend demesnes again. Such action faced resistance of villagers and caused massive conflicts and legal battles. Even though assistance by state authorities was more limited elsewhere, this analysis for Brandenburg casts doubt on the traditional argument that lords could strengthen their position vis-à-vis villagers in the second half of the seventeenth century.[103]

In conclusion, there is ample evidence that the growth of labour rents was not necessarily caused by force and that it did not happen without villagers actively shaping the process and its outcome. This corresponds to the more general reassessment of recent empirical research regarding forms of demesne lordship in early modern East-Elbian Europe that the local and regional power relations were not formed by lords alone. It contradicts the picture painted in traditional research according to which villagers and their institutions were simply powerless victims of structures beyond their control. The fact that rural seigniorial relations were determined by everyday interactions implies that local and regional manifestations

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[100] L. ENDERS, *Uckermark*, cit.; W.W. HAGEN, *Seventeenth-century Crisis in Brandenburg: the Thirty Years' War, the Destabilization of Serfdom, and the Rise of Absolutism*, in "American Historical Review", 94, 1989, pp. 302-335, W.W. HAGEN, *Prussians*, cit., G. HEITZ, *Über den Teilbetriebscharakter der gutsherrlichen Eigenwirtschaft in Scharbow (Mecklenburg) im 17. und 18. Jahrhundert*, in "Wissenschaftliche Zeitschrift der Universität Rostock, Gesellschafts- und sprachwissenschaftliche Reihe", 8, 1958/59, pp. 299-320, here 303-304, IDEM, *Die sozialökonomische Struktur im ritterschaftlichen Bereich Mecklenburgs zu Beginn des 18. Jahrhunderts*, in *Beiträge zur Deutschen Wirtschafts- und Sozialgeschichte des 18. und 19. Jahrhunderts*, Berlin 1962, pp. 1-80, here 4-5,13, F. MAGER, *Geschichte*, cit., pp. 137-138, 140, T. RUDERT, *Gutsherrschaft*, cit., pp. 101-106, 185-186. See blank for eighteenth-century Hungary A. SZÁNTAY, *Serfdom*, cit.

[101] See the contribution of M. NORTH, *Serfdom and Corvée Labour in the Baltic Area 16th-18th Centuries*.

[102] W. W. HAGEN, *Seventeenth-century Crisis*, cit.

[103] See for such views D. ADAMCZYK, *Zur Stellung Polens im modernen Weltsystem der Frühen Neuzeit*, Hamburg 2001, pp. 28-33, 131-133, 184-194, M. HROCH, J. PETRÁŇ, *17. století - krize feudální společnosti?*, Prague 1976, H. KAAK, *Gutsherrschaft*, cit., pp. 436-437, F. MAGER, *Geschichte*, cit., pp.139-155.

of demesne lordship were bound to undergo considerable change over time, as was the extent and importance of the demesne economic sector. This relates to every aspect of demesne lordship discussed here: tenant property rights, mobility restrictions, the institutionalization of serfdom and its actual consequences, and the extent and management regime of the demesne economy.

TOWARDS A LONG-TERM PERSPECTIVE ON RURAL ECONOMIC DEVELOPMENT

Some of the traditional historiographical approaches towards rural and agrarian history of Eastern Europe failed to grasp these fluctuations, because in explaining demesne lordship (i) they primarily concentrated on particular periods of time (in Czechoslovak, Hungarian or Polish historiography pre-1618 or pre-1650 were regarded as the decisive phases) or (ii) disregarded comparative perspectives between regions or territories. These would reveal changes over time or differences in development and thus the inconsistencies of existing explanations.[104]

The disadvantage of a perspective that excludes comparative approaches and long-term developments can be shown by means of a discussion of mobility restrictions of the rural population (tying villagers 'to the soil'). It has often been stated that restrictions on the movement of villagers originated during the late medieval crisis when lords and Estates lobbied on diets to restrict tenant movement in order to prevent the abandonment of tenant farms and further desertions. Indeed, the oldest references can be traced to the fourteenth century and debates occurred throughout most East-Central and Eastern European territories during the fifteenth.

A more careful inspection, however, reveals that in this period regulations in fact confirmed the rights of villagers to leave their holdings. Rather than questioning this liberty, they only repeated and specified conditions of free movement, which had been long established: tenants could leave after they had paid all rents, prepared the fields for a successor and, in some regions, after they had found a replacement.[105]

In this context, it seems that debates on diets were directed against independent cities[106] and fellow lords in order to make sure that they did not undermine the existing regulations.[107] This is another indication that the primary target was not the question of migration of villagers per se. In fifteenth-century Hungary, e. g., the reason for complaints was not the movement of tenants, but that lords abducted

[104] From the 1970s onwards, there was a growing awareness with respect to differences between territories. See H. HARNISCH, *Probleme*, cit., G. HEITZ, *Wirtschafts- und sozialgeschichtliche Aspekte der 'zweiten Leibeigenschaft'*, in *Studien zur deutschen und ungarischen Wirtschaftsentwicklung (16.-20. Jh.)*, ed. V. ZIMÁNYI, Budapest 1985, pp. 43-51, W. RUSIŃSKI, *Some remarks on the differentiation of Agrarian Structure in East Central Europe from the 16th to 18th Century*, in "Studia historiae oeconomicae", 13, 1978, pp. 83-95, L. ŻYTKOWICZ, *Directions of Agrarian Development in South-eastern Europe in the 16th-18th Centuries*, in "Acta Poloniae Historica", 43, 1981, pp. 31-73.

[105] M. CERMAN, *Villagers*, cit.

[106] H. BOSSE, *Bauer*, cit., p. 358.

[107] M. CERMAN, *Villagers*, cit.

each other's villagers by force. A long-term structural conflict between the lower and the rising economic influence of the higher nobility seems to have been at the root of these problems. This may already have been the reason for laws passed in 1351 that aimed at securing seigniorial income by means of product rents.[108] In Bohemia, the 1472 measures stated that nobody was to keep another's servant or villager. The 1474 pacification treaty of Wrocław, primarily concerned with establishing a Peace (*Landfrieden*) in the territory, repeated this. In 1487, renewed regulations did not threaten fugitive villagers with punishment, but lords and town citizens who harboured them. The 1500 Land Ordinance, finally, repeated this threat vis-à-vis territorial towns and their citizens.[109]

These examples highlight that the lines of conflict mainly occurred between the Estates, rather than between villagers and lords. This can also be seen in the actions of princes negotiating for bilateral agreements with neighbouring territories. These concerns surfaced in Eastern Pomerania around 1500, from where tenants escaped to Gdańsk (the city and surrounding areas). Eastern Pomeranian noblemen and also the prince sent missions to the city to bring back fugitives by force, but the city declined to cooperate.[110] In Livonia, older studies point at agreements among the Estates on the 1424 diet that fugitive villagers who were picked up by other lords either were to be sent back to their original estates or their debts be settled. In this case, they could remain where they went. This mechanism faced several difficulties in practice, beginning with the fact that independent towns and cities refused to sign the agreement or that Livonia was divided into five sovereign parts, for which de facto bilateral treaties were necessary.[111] Not least, each case potentially caused elaborate negotiations (such as the proof of debt) or even disagreement between lords, given that the two parties may have had opposing incentives. While from the 1450s the regulations in the individual parts of Livonia still adhered to the principle of 'man or debt', it was no wonder that an agreement between the Order and Ösel in 1508 no longer referred to it but simply stated the obligation to return escaped tenants.[112] Again, not personal liberties of tenants were the reason for discussions and new measures, but non-cooperation among lords and cities regarding the existing custom.[113] Throughout the fifteenth century, when territorial diets repeatedly passed regulations regarding villagers' mobility in short sequence, such as in Prussia in 1445 and 1482 or in Hungary, they still confirmed the basic right of

[108] A. DOMANOVSZKY, *Geschichte*, cit., p. 455, I. SZENDREY, *Versuche, die Bindung an die Scholle vor 1514 in Ungarn einzuführen*, in *Aus der Geschichte der ostmitteleuropäischen Bauernbewegungen im 16.-17. Jahrhundert*, ed. G. HECKENAST, Budapest 1977, pp. 403-406, here 403-404.

[109] A. BACHMANN, *Geschichte Böhmens*, I-II, Gotha 1905, pp. 715, 745.

[110] T. CIEŚLAK, *Sprawa zbiegów chłopskich w interwencjach gdańskich Bogusława X-go*, in "Zapiski Towarzystwa Naukowego w Toruniu", 16, 1950, pp. 115-118.

[111] H. BOSSE, *Bauer*, cit., pp. 358-359, 366-372.

[112] *Ibid.*, pp. 363-364.

[113] *Ibid.*, pp. 357-389; A. SCHWABE, *Grundriß*, cit., pp. 83-96, A.V. TRANSEHE-ROSENECK, *Die Entstehung der Schollenpflichtigkeit in Livland*, in "Mitteilungen aus der livländischen Geschichte", 23, 1924-26, pp. 485-574.

tenants to move.[114] It would be worth analyzing the policy in other territories in this respect as well.[115]

Only at a later stage of the development, Estates used earlier legislation as a basis for a new interpretation. Thus, in the period around 1500 Mecklenburg lords argued that villagers were not allowed to move away, because they had not paid their rents properly and were indebted to them.[116] It seems, however, that even this reasoning did not last when it came to the final steps of restricting tenant mobility in the late sixteenth-century. For the Police Ordinance of 1572 again shifted attention to landlord infringement of regulations when it stated that lords who did not return fugitives would not see their action protected by courts.[117]

In general, one can conclude that it took considerable time, before regulations that clarified conditions to leave were re-interpreted as measures that could be used to limit the movement of the rural population. As a new default principle, lords gradually acquired the authority to decide over tenants' applications to leave. And even given this more restrictive interpretation it is important to consider that renewed legislation did not ban movement of the rural population per se, but linked it to prior seigniorial consent. It aimed at establishing landlord control and not at a total ban. Some interpretations of the Hungarian development in this respect – the confirmation of the basic right to leave, but ever more restrictive conditions, including the consent of the (seigniorial) district judge – deviate from such a view. Some studies claim that these are signs of a deliberate erosion of the status of villagers.[118]

While mobility restrictions were established in Hungary as a consequence of the 1514 uprising, diets in Wallachia and Transylvania, by contrast, confirmed the basic rights of villagers to move and only introduced a grain levy in exchange in this period. Free movement was re-established again in 1547 but linked to procedures of which counties and lords were part. The county administration was put in charge completely in 1608. This does not only display discontinuities, as in other territories, but also may have constituted considerable differences between counties in handling the mobility of villagers.[119] Almost everywhere, measures at first targeted tenant farmers, so a

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114 Also in Hungary conditions for doing so seem to have been increasingly tightened. I. ACSÁDY, *Dějiny poddanstva v Uhorsku*, Bratislava 1955, p. 129, G. AUBIN, *Geschichte*, cit., I. SZENDREY, *Versuche*, cit., pp. 404-405.

115 See, e. g., L. ENDERS, *Die spätmittelalterliche Grundherrschaft in der Uckermark*, in "Jahrbuch für Regionalgeschichte", 15, 1988, pp. 56-74, K. ORZECHOWSKI, *Glebae adscriptio slaskich chłopów*, in "Czasopismo prawno-historyczne", 39, 1987, pp. 1-18, J. VÁLKA, *Předpisy o stěhování osedlých poddaných v českých zemích a v Polsku ve 14. století*, in "Sborník prací Filozofické fakulty Brnenské univerzity", 10, C 8, 1961, pp. 121-133, L. ŻYTKOWICZ, *Przesłanki i rozwój przytwierdzenia do gleby ludności wiejskie w Polsce - połowa XIV - początek XVI wieku*, in "Przegląd Historyczny", 75, 1984, pp. 3-22.

116 H. MAYBAUM, *Entstehung*, cit., pp. 82-86, E. MÜNCH, *Mecklenburg und das Problem der Leibeigenschaft Mitte des 16. bis Mitte des 17. Jahrhunderts*, in *Leibeigenschaft. Bäuerliche Unfreiheit in der frühen Neuzeit*, ed. J. KLUSSMANN, Cologne 2003, pp. 3-19, here 15.

117 H. BÖHLAU, *Über Ursprung und Wesen der Leibeigenschaft in Mecklenburg*, in "Zeitschrift für Rechtsgeschichte", 10, 1872, pp. 357-426, here 394-395.

118 I. SZENDREY, *Versuche*, cit., pp. 404-405.

119 B.K. KIRÁLY, *Hungary*, cit., pp. 51-52, D. PRODAN, *Origins*, cit., pp. 4-5, Ş. ŞTEFĂNESCU, *Sozialrechtliche Lage des Bauernstandes in der Walachei und im ungarischen Königreich im 15.-16. Jahrhundert*, in

considerable minority of the rural population was not affected and could migrate, e. g. for wage work. We should thus not be surprised to find a highly mobile part of the rural population, particularly certain social and occupational groups, until at least 1600 or even throughout the early modern period.[120]

There is also reason to doubt that the first restrictive interpretations of the original regulations resulted from a view that villagers and tenants were personally dependent or unfree. To my knowledge, the earliest debates on unfreedom occurred during the last decades of the sixteenth century (such as e. g. in Mecklenburg or the Duchies of Schleswig-Holstein) and did not lead to concrete legislation before the 1610s or 1620s. Even the decisive Mecklenburg declaration of 1621 lacked any references to such discussions, but kept targeting relations between lords and streamlining the process of returning fugitives among them.[121] Views that villagers' restricted mobility were rooted in their bonded status first entered legal debates around 1590/1600 and spread especially in the eighteenth century, when mobility restrictions were regarded as a possible sign of 'serfdom' e. g. by legal scholars.

An analysis that traces the seventeenth-century interpretations of mobility restrictions to the totally different framework of the original measures in the late Middle Ages makes obvious that this was far from a linear and continuous development, much less one in which the aims remained constant over time. In fact, major shifts occurred. The process of establishing movement controls was most likely not based on any interpretation of villagers' personal status as unfree or in bondage. Villagers' personal liberties were unaffected, because the regulations related to obligations rooted in the tenure of land, i. e. tenurial and not personal ones. When present-day historiography relies on this element, among others, to characterize the status of villagers in demesne lordship societies, we need to keep in mind the discontinuity of the process described and analyzed above. The link established in the modern literature between mobility restrictions and 'serfdom' does not correspond to the actual sixteenth-century situation.

Tenant property rights have been misrepresented as well. Recent empirical findings on tenant land markets and land transfers confirm the secure quality of tenant hereditary rights over their holdings in various East-Elbian regions and contradict older assumptions of total landlord control over tenancies.[122] A long-

Aus der Geschichte der ostmitteleuropäischen Bauernbewegungen im 16.-17. Jahrhundert, ed. G. HECKENAST, Budapest 1977, pp. 381-387, here 382.

[120] H. BOSSE, *Bauer*, cit., pp. 328, 331, 361s, 365, 385, E. DUNSDORF, *Livonian Estates*, cit., p. 103, J. HEYDE, *Bauer*, cit., pp. 64, 269, D. PRODAN, *Origins*, cit., pp. 4, 8, A. SCHWABE, *Grundriß*, cit., pp. 89-90, A. ŠPIESZ, *Der feudale Grundbesitzer*, cit., p. 331, E. TARVEL, *Die soziale Differenzierung der Bauernschaft in Estland in der Feudalzeit*, in "Probleme der Agrargeschichte des Feudalismus und des Kapitalismus", 12, 1980, pp. 23-29, pp. 26-27, A.V. TRANSEHE-ROSENECK, *Die Entstehung*, cit., pp. 564-565, ŻYTKOWICZ, *Przesłanki*, cit, p. 15.

[121] H. BÖHLAU, *Ursprung*, cit., pp. 395-397.

[122] B. CHOCHOLÁČ, *Selské peníze. Sonda do finančního hospodáření poddaných na západní Moravě koncem 16. a v 17. století*, Brno 1999, L. ENDERS, *Das bäuerliche Besitzrecht*, cit., J. GRULICH, *Populační vývoj a životní cyklus venkovského obyvatelstva na jihu Čech v 16. až 18. století*, České Budějovice 2008, P. GUZOWSKI, *Chłopi*, cit., D. ŠTEFANOVÁ, *Erbschaftspraxis*, cit., A. VELKOVÁ, *Krutá vrchnost, ubozí poddaní? Proměny venkovské rodiny a společnosti v 18. a první polovině 19. století na příkladu zapadočeského panství Šťáhlavy*, Prague

term view from the late Middle Ages backs these results by highlighting the medieval emergence and the later continuity of hereditary tenure and independent tenant property transfers as well as their institutional setting. When written village (partly also seigniorial) land transfer registers were introduced during the fifteenth and early sixteenth centuries, these accompanied the traditional oral procedures of property transactions carried out in village court sessions.[123] The written documentation was thus not the results of a push for more landlord control, as some of the literature has argued, but rather the wish for more legal security also among villagers. Village communities kept these court rolls[124] and designed and developed this instrument and the written transfer contracts according to their needs. Legal confirmation by a higher authority was predominantly used as third party enforcement in case of conflicts.[125]

Also with regard to a final aspect, the development of a commercial demesne economy, a long term perspective provides important new insights despite the existence of considerable discontinuity in the establishment of demesne farming between the Late Middle Ages and the period after 1550. These discontinuities are visible from case studies but also surveys for instance for Bohemia, Brandenburg, East Prussia, Hungary or Silesia.[126] Yet, new research for Little Poland suggests continuities in some respects, as individual demesne farms were extended and concentrated in central places of estates during the fourteenth and fifteenth centuries, while smaller ones were abandoned and their land redistributed to tenants. These demesnes were worked with labour rents, possibly perhaps for reasons of dearth in cash and coinage.[127] The change was most visible in large church properties, which traditionally kept close market links because of the significant quantities of tithe grain they received. In more limited dimensions, noble estates, e. g. in the vicinity of the Cracow market, also participated in this development. Market connections seemed to have been crucial, because in other, more remote regions, the economy continued on a pure rent basis, in which demesne farms were maintained only for reasons of supply for local seigniorial

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2009, H. ZEITLHOFER, *Besitztransfer, Generationenbeziehungen und sozialer Wandel im südlichen Böhmerwald, 1640-1840*, Munich, in press. For a survey see M. CERMAN, *Social Structure*, cit.

[123] M. CERMAN, D. ŠTEFANOVÁ, *Institutional Changes and Peasant Land Transfer in the Czech Lands from the Late Middle Ages to the Eighteenth Century*, in *Contexts of Property in Europe. The Social Embeddedness of Property Rights in Land in Historical Perspective*, R. CONGOST, R. SANTOS eds., Turnhout 2010, pp. 39-59.

[124] M. CERMAN, *Social Structure*, cit., M. CERMAN, D. ŠTEFANOVÁ, *Institutional Changes*, cit., P. GUZOWSKI, *Chłopi*, cit., pp. 44-49, D. ŠTEFANOVÁ, *Erbschaftspraxis*, cit. EADEM, *Schöppenbücher*, cit.

[125] M. CERMAN, D. ŠTEFANOVÁ, *Institutional Changes*, cit.

[126] J. ČECHURA, *Die Struktur der Grundherrschaften im mittelalterlichen Böhmen*, Stuttgart 1994, L. ENDERS, *Entwicklungsetappen der Gutswirtschaft vom Ende des 15. bis zum Beginn des 17. Jahrhunderts, untersucht am Beispiel der Uckermark*, in "Jahrbuch für Geschichte des Feudalismus", 12, 1988, pp. 119-165, R.C. HOFFMANN, *Land, Liberties, and Lordship in a Late Medieval Countryside. Agrarian Structures and Change in the Duchy of Wrocław*, Philadelphia 1989, Z.P. PACH, *The Development of the Feudal Rent in Hungary in the Fifteenth Century*, in "Economic History Review" 19, 1966, pp. 1-14, H.-H. WÄCHTER, *Ostpreußische Domänenvorwerke*, cit., pp. 6, 8-17.

[127] See for this argument with respect to demesnes of the Teutonic Order B. GEREMEK, *Problem siły roboczej w Prusach w pierwszej połowie XV w.*, in "Przeglad Historyczny", 48, 1957, pp. 197-233. On the use of labour rents in this period see the contribution of P. GUZOWSKI, *Enforced labour*, cit.

households.[128] This finding points to an influence of medieval continuities in particular regional contexts. Similar observations have also been made for Mecklenburg and Western Pomerania and wait for further empirical clarification.[129]

Studies on Brandenburg, the Czech Lands and Poland illustrate the significance of a long-term perspective for instance in terms of mobility restrictions, tenant property rights or the emergence of commercial demesne farming. These demonstrate that an analysis of late medieval structures not only helps to fully grasp the meaning of later developments[130] (for instance with respect to mobility restrictions, the role of the village community or the difference between personal bondage and tenurial subjection) but also the gradual nature of the change towards the establishment of a commercial demesne economy.

CONCLUSIONS

Recent approaches to the rural history of East-Elbian Europe abandoned the top-down perspective which traditionally identified lords and state authorities as the only agents in early modern rural societies. According to the traditional view, the aim of landlords was to strengthen domination over the rural population. Instead, a 'view from the village'[131] reconstructs the extent to which villagers and their institutions shaped the concrete manifestation of rural power relations and actively contributed to the continuous dynamics of change. Chronological and regional variation e. g. in the size and management of the demesne economy or the use of labour rents or in villagers' status show that there was no linear development towards an age of a 'second serfdom'. Rather, a number of contradictory processes occurred and led to various institutional outcomes. Phases of improvements for villagers possibly alternated with those in which relations were tightened along with shifts in the macroeconomic environment or in bargaining power. In some areas, stricter forms of domination emerged, in others characteristics of demesne lordship were absent or only weakly developed. By itself this makes obvious why it is impossible to talk about an age of a monolithic '(second) serfdom' in early modern Eastern Europe. Demesne lordship did not exist as a single or stagnant 'agrarian structure'. Far from representing a coherent 'constitution' established in the 1500s and lasting unchanged until the enlightened reforms, early modern East-Elbian social and economic structures changed dynamically over time. This also holds for 'serfdom' in particular. Even where it was introduced by law, legal scholars, princes,

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[128] R. CZAJA, M. DYGO, S. GAWLAS, et al., *Ziemie polskie wobec zachodu. Studia nad rozwojem średniowiecznej Europy*, Warsaw 2005, pp. 431-433, K. MIKULSKI, J. WRONISZEWSKI, *Das Vorwerk*, cit., pp. 118-121, 126.

[129] E. MÜNCH, *Ritterschaft zwischen Mittelalter und Neuzeit. Zur Kontinuität adligen Grundbesitzes in Mecklenburg*, in "Zeitschrift für Geschichtswissenschaft", 38, 1990, pp. 888-906, E. MÜNCH, *Zu den mittelalterlichen Grundlagen der frühneuzeitlichen Adelsgüter Mecklenburgs*, in "Mecklenburgische Jahrbücher", 112, 1997, pp. 45-60, D. SCHLEINERT, *Die Gutswirtschaft im Herzogtum Pommern-Wolgast im 16. und frühen 17. Jahrhundert*, Cologne 2001, pp. 199-204.

[130] Cf. e. g. M. CERMAN, *Venkovské společnosti*, cit., M. CERMAN, D. ŠTEFANOVÁ, *Institutional changes*, cit.; L. ENDERS, *Uckermark*, cit., EADEM, *Prignitz*, cit., W.W. HAGEN, *Village Life*, cit., pp. 162-165.

[131] W.W. HAGEN, *Village Life*, cit.

Estates, lords and, above all, villagers constantly reinterpreted and reshaped views of what it meant for lords and villagers over the 100 or 150 years it may have existed at most.

On this basis, the paper offered a new assessment of the legal and social situation of the rural population and the role of village institutions and evaluated critically explanatory models that misrepresented rural social relations in early modern Eastern Europe, because they disregarded chronological and regional variation, in part because of lacking a comparative perspective. Finally, the paper focussed on the importance of a long-term perspective for analyzing early modern economic and social change in the area. With special reference to the questions of mobility restrictions, tenant land transfers and the establishment of the demesne economy the discussion showed that traditional approaches were wrong to assume a single and deterministic development from medieval seigniorial structures to early modern demesne lordship.

These results suggest that the hypothesis of a long-term Eastern European economic stagnation and backwardness in the early modern period due to 'serfdom' and demesne lordship has lost its foundation. There is solid empirical evidence on satisfactory living standard of the rural population and their successful integration in commercial agrarian and non-agrarian economic activities by both, research before 1989 but also in studies carried out over the last 20 years. Given this evidence and the variation of rural power relations described above, there is now the chance to replace traditional models regarding Eastern Europe as a synonym for backwardness and unfreedom and to turn to an integrated approach. Rather than constructing structural differences between Eastern and Western Europe as a starting point, it was high time to turn to a common framework for a comparative analysis of welfare and economic growth in all early modern European rural societies.[132] Such an approach would include all parts of Europe and would have to succeed in clarifying the problem why both in Eastern and Western Europe we can find advanced and less developed economic conditions and regions prior to 1800.

[132] See, e. g., M. CERMAN, *Villagers*, cit., IDEM, *Demesne Lordship*, cit. pp. 244-246, 256-258, L. ENDERS, *Grundherrschaft und Gutswirtschaft. Zur Agrarverfassung der frühneuzeitlichen Altmark*, in "Zeitschrift für Agrargeschichte und Agrarsoziologie", 55, 2007, pp. 95-112, W.W. HAGEN, *European Yeomanries*, cit., pp. 259-265, H. WUNDER, *Das Selbstverständliche denken. Ein Vorschlag zur vergleichenden Analyse ländlicher Gesellschaften in der Frühen Neuzeit, ausgehend vom „Modell ostelbische Gutsherrschaft"*, in *Gutsherrschaft als soziales Modell. Vergleichende Betrachtungen zur Funktionsweise frühneuzeitlicher Agrargesellschaften*, ed. J. PETERS, Munich 1995, pp. 23-49.

East-central Europe c. 1700



Key:
C.: Copenhagen
M.: Mecklenburg
S.H.: Schleswig-Holstein
W.P.: Western Pomerania

Source: M. CERMAN, *Villagers and Lords in Eastern Europe, 1300-1800*, Houndmills Basingstoke 2012, p. XVI

Piotr Guzowski

The Role of Enforced Labour in the Economic Development of Church and Royal Estates in 15th and 16th-century Poland

Unfree labour is thought to be one of the defining features of the socio-economic system that developed in Central and Eastern Europe at the turn of the Middle Ages[1] Poland is often cited as a classic example supporting the export hypothesis that socio-economic changes were caused by the demand for Polish grain.[2] The aim of this paper is to explore the phenomenon of unfree labour, its origins and spreading, as an important element of Polish manorial economy, both at the end of the Middle Ages and at the beginning of the early modern period, that is prior to and after large scale exportation of Polish grain via Baltic ports began. For the purposes of this study I analysed a number of 14th and 15th-century village location charters and 15th and 16th-century inventories of ecclesiastical and royal estates in the territory of the Kingdom of Poland to show the extent of regional diversification with regard to unfree labour and the evolution of this phenomenon over time. Data from the documents of the estates of the Archbishops of Gniezno and from the oldest surviving records from crown estates in Masovia and Chęcińskie and Przemyskie *starostwa* (Pol. - units of administration in crown lands) in Little Poland will be analysed. Documents of the Archbishopric of Gniezno used for the purposes of this study include: 14th and 15th-century village location charters and inventories from the years 1511-12, 1548-56, and 1592-93[3] Situation in the crown estates will be examined on the basis of data from the oldest surviving inventories (from the turn of the 15th and 16th century)[4] and

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[1] M. CERMAN, *Villagers and Lords in Eastern Europe, 1300-1800*, Basingstoke 2012.

[2] J. BLUME, *Rise of Serfdom in Eastern Europe*, in "American Historical Review", 62, 1957, p. 807-836; M. MAŁOWIST, *The Economic and Social Development of the Baltic Countries from the Fifteenth to the Seventeenth Centuries*, in "Economic History Review", 12, 1959, pp. 177-189; IDEM, *Wschód a Zachód Europy.* Warzawa 1973; I WALLERSTEIN, *The Modern World System*, 1, New York 1976.

[3] ARCHDIOCEASAN ARCHIVE OF GNIEZNO (AAG), *Gniezno*, B143 Inventarium universorum bonorum Archiepiscalium 1548-1585; AAG, B147 Inventarium omnium proventum et aedificorumArchibiscopatus Gnesn. Sub Stanislao Karnkowski 1592-1593; *Visitationes nonorum Archiepiscopatus necnon capituali gnesnensis saeculi XVI*, ed. B. ULANOWSKI, Cracoviae 1920.

[4] CENTRAL ARCHIVES OF HISTORICAL RECORDS IN WARSAW (CAHRW), ASK LVI G-1- Inventory of sta stwo of Gostynin – 1496; SK LVI C.6 – Inventory of starosty of Chęciny 1508; ASK, LVI R -1/I – Inventory of starosty of Radom – 1507; *Inventory of starosty of Przemyśl 1494-1497*, ed. M. HRUSZEWSKI, in "Zapiski Naukowo Towaristwa Imieni Szewczenka", 19, 1897, p. 1-24; *Inventory of Starosty of Płock in 1498* in *Lustracje województwa płockiego 1565-1789*, A. SUCHENI-GRABOWSKA, S.M. SZACHELSKA eds., Warszawa 1965, p. 147-161.

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantecinquesima settimana di studi", 14-18 aprile 2013*
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inventories created by a special parliamentary commission in 1564-65[5].

I intend also to revise the findings of previous studies. Although Polish historians have studied the phenomenon of unfree labour for almost a century[6], for most of this time, especially in communist Poland, the results of their work have been used in the context of Marxist class struggle and to support predetermined conclusions about a negative character of socio-economic changes taking place in Poland at the turn of the Middle Ages[7].

Weekly unfree labour and its legal framework

Growing demand for Polish grain can be traced in the documents of the trading port in Gdansk since the 1480s and since the 1620s grain prices tended to increase steadily[8].

Table 1. **Export of grain from Gdańsk (in lasts)**

Years	Export volume	
	Lasts	1492=100
1470	2 200	21
1490	9 500	93
1492	10 200	100
1530	14 000	137
1557	21 000	205

Source: H. SAMSONOWICZ, in *Historia Gdańska*, ed. E. CIEŚLAK, II, Gdańsk 1982, p. 107.

Equally important is the changing territorial structure of Gdansk's supply base. In 1480, almost 60% of all grain exported via Gdansk, the primary trading port in the region, came from either Royal Prussia or Teutonic Prussia. In the following

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5 *Lustracja województwa sandomierskiego 1564-65*, ed. W. OCHMAŃSKI, Wrocław 1963; *Lustracje województwa płockiego 1565-1789*, A. SUCHENI-GRABOWSKA, S.M. SZACHERSKA eds., Warszawa 1965; *Lustracje województwa rawskiego 1564 i 1570*, ed. Z. KĘDZIERSKA, Warszawa 1959; *Lustracja województw ruskiego, podolskiego i bełskiego 1564-65*, K. CHŁAPOWSKI, H. ŻYTKOWICZ eds., I-II, Warszawa 2001.

6 J. RUTKOWSKI, *Statystyka zawodowa ludności wiejskiej w Polsce w drugiej połowie XVI wieku*, Kraków 1918; S. ORSINI-ROSENBERG, *Rozwój i geneza folwarku pańszczyźnianego w dobrach katedry gnieźnieńskiej*, Poznań 1925; J. WARĘŻAK, *Rozwój uposażenia arcybiskupstwa gnieźnieńskiego w średnioiweczu*, Lwów 1929.

7 J. TOPOLSKI, *Rozwój latyfundium arcybiskupstwa gnieźnieńskiego, od XVI do XVIII wieku*, Poznań 1955; IDEM, *Położenie i walka klasowa chłopów w XVIII w. w dobrach arcybiskupstwa gnieźnieńskiego*, Warszawa 1956; IDEM, *Gospodarstwa wiejskie w dobrach arcybiskupa gnieźnieńskiego od XVI do XVIII w.*, Poznań 1958; W. SOBIESIAK, *Rozwój latyfundium biskupstwa poznańskiego w XVI do XVIII wieku*, Poznań 1960; J. OCHMAŃSKI, *Powstanie i rozwój latyfundium biskupstwa wileńskiego, 1387-1550: ze studiów nad rozwojem wielkiej własności na Litwie i Białorusi w średniowieczu*, Poznań 1963.

8 It is presumed that prices had been increasing in the earlier periods as well, but Polish lists of prices do not contain data for the periods prior to 1500. Data for the city of Cracow are exceptional because they include prices from the end of the 14th century. Their number, however, is insufficient to determine any discernible trend- J. PELC, *Ceny w Krakowie w latach 1369-1600*, Lwów 1935, tables 3–7.

years, there was a considerable increase in the participation of various regions of the Kingdom of Poland in grain export via Gdansk, which resulted in a visible, though very unevenly distributed, influence that European markets began to have on the economic situation in the Kingdom of Poland.

Table 2. **Geography of suppliers to Gdańsk**

Region	Percent in the volume of export in the years 1455-1480	Percent in the volume of export in the years ears 1481-1510
Royal Prussia	50	21
Teutonic Prussia	11	14
Kuiavia	10	8
Masovia	20	27
Little Poland	8	18
Greater Poland	1	12

Source: *Ibidem*, p. 104.

The aforementioned developments coincided with the issuing of the first national legal regulations concerning unfree labour. In 1520, Polish parliament passed and then confirmed the law stating that peasants in all types of estates, royal, ecclesiastical, and noblemen's, who had not paid their seigniorial dues in the form of unfree labour before, were obliged to do it once a week for each *mansus* of land they possessed.These acts passed by the parliament and other royal mandatory letters established a minimum number of days of unfree labour, but they did not apply to peasants who had been already providing more days of unfree labour than the minimum just established. According to the latest Polish historiography, the act of parliament passed in 1520 intended to unify the amount of peasants' unfree labour across the country and to eliminate local differences in the number of days of unfree labour, which were responsible for peasants' migrations to lords offering better conditions[9]. It is also reported that the 1520 act may have been preceded by some earlier attempts to regulate unfree labour at the local level. One known example of such a regulation comes from peripheral Chełmno land (Pol. *ziemia chełmińska*), where in 1477 local gentry tried to put a stop to peasant migration from one lord to another by introducing universal length of unfree labour service as one day for each mansus of peasant land or by increasing cash fees[10]. Other examples of similar attempts to regulate the length of unfree labour service come from the Polish-Lithuanian borderland (Podlasie, prior to 1492 and in 1501), Wieluń land

[9] J. WRONISZEWSKI, *Szlachta ziemi sandomierskiej w średniowieczu. Zagadnienia społeczne i gospodarcze*, Poznań-Wrocław 2001, p. 62-63; K. MIKULSKI, J. WRONISZEWSKI, *Folwark i zmiany koniunktury gospodarczej w Polsce XIV-XVII wieku*, in "Klio", 4, 2003, p. 33.

[10] J. WRONISZEWSKI, *Szlachta ziemi sandomierskiej*, cit., pp. 62-63; M. KOŁACZ-CHMIEL, *Społeczności chłopskie ziemi chełmskiej w późnym średniowieczu*, Lublin 2009, p. 38-39.

(1518) and Kuiavia (1519-1520), but they were all to apply to units smaller than Chełmno land[11].

UNFREE LABOUR PRIOR TO 1520

Since the 13th century, the usual dues paid by peasants in settlements with German law took various forms the most important of which was a cash payment, i.e. rent. Additionally, peasants paid their dues in kind, most frequently in grain, and they were occasionally, e.g. on religious holidays, supposed to supply their lords with food (so called *pro honores*). Exact quantities and amounts were determined in village location charters issued at the settling of a village or at the replacement of Polish (or Ruthenian) law with German law. These documents rarely included any information about seigniorial dues in the form of peasants' labour. It appears that the role of this kind of due varied from region to region. In 215 location privileges issued for villages in the estates belonging to the Archbishop of Gniezno (mainly in Greater Poland and Masovia) between 1285 and 1502, unfree labour as a form of seigniorial due was mentioned only in 12 cases (5.5%)[12]. Among them, in 11 villages peasants worked on their lords' fields for only 2-4 days a year, while in one village a location charter (1387) determined the amount of unfree labour as one day a week. The situation in Little Poland and Red Ruthenia differed from that in Greater Poland and Masovia. In the former, location charters included unfree labour as one of the peasants' duties more frequently (33%) than in the latter. Even in these charters, however, unfree labour, in the majority of cases, was determined at annual rate (maximum 14 days a year), whereas weekly provision of labour was mentioned in five charters only[13].

Table 3. **Unfree labour in location charters**

Territory	Period	Number of documents	Number of Location charters mentioning unfree labour	Percentage
Arcybiskupstwo gnieźnieńskie (głównie Wielkopolska)	14th and 15th centuries	215	12	5,5%
Małopolska	15th century	100	33	33%

Sources: J. WARĘŻAK, *Rozwój uposażenia arcybiskupstwa,* cit., table of estates.

Relatively small significance of unfree labour among other burdens placed on peasants by location charters (bearing in mind local differences between Little

[11] L. ŻYTKOWICZ, *Próby regulacji pańszczyzny w Polsce w latach 1477-1520*, in "Roczniki Dziejów Społecznych Gospodarczych", 45, 1984, pp. 1-19.

[12] Calculation based on J. WARĘŻAK, *Rozwój uposażenia arcybiskupstwa,* cit.; table of estates.

[13] P. GUZOWSKI, *Chłopi i pieniądze na przełomie średniowiecza i czasów nowożytnych*, Kraków 2008, pp. 27-43.

Poland/Red Ruthenia and Greater Poland/Masovia) appears to mean that at the moment a village was settled or when some important legal and economic changes were introduced which were to concern all inhabitants of the settlement, unfree labour as a form of paying seigniorial dues was not perceived as appealing to peasants. It was not seen as an argument in favour of settling in a given village or as an incentive to stay in it. It thus proves wrong the thesis that at the early stages of manorialism in Poland peasants would readily grasp any opportunity to replace other forms of dues with unfree labour[14]. To the contrary, they seemed to treat unfree labour as an onerous duty which, in later period, they tried to avoid by paying their lords cash equivalents.

Although unfree labour was rarely mentioned in charters of newly located villages, at the turn of the Middle Ages it was quite common in older villages in the Kingdom of Poland. It is essential, however, to emphasize considerable regional differences in its amount and significance in comparison with other burdens. The earliest available data comes from the estates of the Bishops of Cracow (mainly in Little Poland). According to *Liber Beneficiorum* by Jan Długosz, written between 1470 and 1480, in as many as 80% of 275 villages belonging to the Bishops of Cracow peasants were obliged to work on their lords' fields on a weekly basis[15].

Tab 4. **Unfree labour in the estates of the bishopric of Cracow in 1470-1480.**

Number of days of obligatory labour per week	Number of villages	Percentage
1 day	134	48
2 days	64	23
3 days	27	10
4-5 days	5	2
No unfree labour	45	17
Total	275	100

Source: R. HECK, *Okres gospodarki czynszowej (od połowy XIII do schyłku XV w.)*, in *Historia chłopów polskich*, ed. S. INGLOT, 1, Warszawa 1970, p. 192.

The role of unfree labour in the estates of the Archbishops of Gniezno was much lesser. According to the inventory from the years 1511-1512, unfree labour on a weekly basis was provided by peasants in about 35% of villages, while in 7.5% of settlements villagers were not obliged to work on their lords' fields at all.

Tab. 5. **Unfree labour in the estates of the archbishopric of Gniezno in 1511/1512**

Number of days of obligatory labour per week	Number of villages	Percentage
1 day	36	11.5
2 days	23	7.5

[14] K. MIKULSKI, J. WRONISZEWSKI, *Folwark i zmiany koniunktury gospodarczej*, cit., p. 32.

[15] R. HECK, *Okres gospodarki czynszowej (od połowy XIII do schyłku XV w.)* in *Historia chłopów polskich*, ed. S. INGLOT, 1, Warszawa 1970, p. 192.

3 days	49	15.5
Other than weekly labour	117	37.0
No unfree labour	23	7.5
No data available	67	21.0
Total	315	100.0

Source: Calculation based on J. WARĘŻAK, *Rozwój uposażenia arcybiskupstwa,* cit., table of estates

The oldest surviving inventories of crown estates in Masovia, Little Poland and Red Ruthenia reveal that peasants were obliged to provide unfree labour in at least 56% of 116 villages. In 41 villages (35.5%) the service was to be provided on a weekly basis.

Tab. 6. **Unfree labour in the royal estates at the turn of the Middlle Ages**

Starostwo	Region	Year	Number of villages	Villages with Unfree labour	%	Annual	Weekly	Other	No data available
Przemyskie	Red Ruthenia	1497	16	8	50	1	0	7	8
Chęcińskie	Little Poland	1508	24	9	37.5	0	9	5	10
Gostyńskie	Masovia	1496	14	9	64		4	5	5
Płockie	Masovia	1498	11	9	81	2	6	1	2
Sochaczewskie	Masovia	1496-1510	23	15	65	0	12	3	7
Radomskie	Masovia	1507	28	15	53	2	10	3	13
Total			116	65	56				

Sources: CAHRW, ASK LVI G-1- Inventory of starostwo of Gostynin – 1496; ASK LVI C.6 – Inventory of starosty of Chęciny 1508; ASK, LVI R -1/I – Inventory of starosty of Radom – 1507; *Inventory of starosty of Przemyśl 1494-1497,* ed. M. HRUSZEWSKI, in "Zapiski Naukowo Towaristwa Imieni Szewczenka", 19, 1897, pp. 1-24; Inventory of starosty of Płock in 1498 in *Lustracje województwa płockiego 1565-1789,* A. SUCHENI-GRABOWSKA, S.M. SZACHELSKA eds., Warszawa 1965, pp. 147-161.

At the end of the 15th century, villagers in at least 50% of crown and ecclesiastical estates were obliged to pay their seigniorial dues in the form of unfree labour. Assuming that only the weekly service was of any economic significance, its role in various parts of Poland differed considerably. Whether or not unfree labour was important, depended also on individual estate owners and, most of all, on their economic strategies.

The study of data contained in location privileges and the oldest surviving inventories of crown and ecclesiastical estates indicates that unfree labour performed a more important role in areas which at the end of the Middle Ages had relatively weak links with Baltic trade, e.g. in Little Poland and lands of Polish-Ruthenian borderland. In these parts of Poland also the first attempt was made to officially establish the rules of the service of unfree labour (1477, Chełmno lands).

INTRODUCTION OF UNFREE LABOUR IN THE ESTATES OF THE ARCHBISHOPS OF GNIEZNO. A CASE STUDY.

According to recent Polish historiography, the emergence of unfree labour at the end of the 14th and in the 15th centuries „did not mean any increase in peasants' burdens. In fact, seigniorial dues in the form of cash payments were replaced with their equivalent in labour; the change was a result of an agreement between the lord and his peasants"[16]. Younger generation of historians suggest that the economic crisis that hit Polish peasants in the 15th century resulted in the reduction of the size of peasant farms and their withdrawal from the grain market. Hence, "from the point of view of peasants, unfree labour became a more economically attractive form of feudal obligations. Instead of selling agricultural produce, they preferred to sell their 'labour' (at the rate equivalent to their money dues)"[17]. Favourable conditions for this practice were created by the involved sides themselves, who treated location privileges quite liberally, "respecting them as long as they met economic realities"[18].

My position is that, as it has been shown above, peasants in Greater Poland as well as in Little Poland did not perceive unfree labour as an attractive option. Moreover, it appears that it did not play any particularly important role from the point of view of estate owners. The vast majority of 14th-century and most 15th-century location charters are silent on this point.

In all villages belonging to the Archbishops of Gniezno there are twelve exceptional cases. Their location charters were issued between 1333 and 1420. Ten documents include information about the amount of obligatory peasant labour determined as 2-4 days a year, and two documents mention unfree labour to be performed once and three days a week respectively. It is interesting to see how peasants' burdens changed in these villages over the period of two hundred years. The earliest surviving inventory of the estate of the Archbishops of Gniezno contains information about unfree labour in 1511 and 1512. It shows that in the late Middle Ages, in ten villages there had been practically no changes in the amount of unfree labour (or they were minimal – two days a year were extended to three days a year). In two other villages, annual service was replaced by weekly service (1-3 days a week). In one of these villages, peasants, knowing the content of their location privilege, filed a protest against this change with a archbishop official and the rights of the protesters were acknowledged[19].

By mid-16th century, peasants in most of these villages had been obliged to work at their lords' fields at least once a week, which bishops' officials justified by referring to the universal law introduced in Poland in 1520. By the end of the 16th century, the number of days of unfree labour imposed on peasants had increased to two days a week. In one village where peasants were obliged by their 14th-century

[16] J. WRONISZEWSKI, *Szlachta ziemi sandomierskiej*, cit., p. 57.

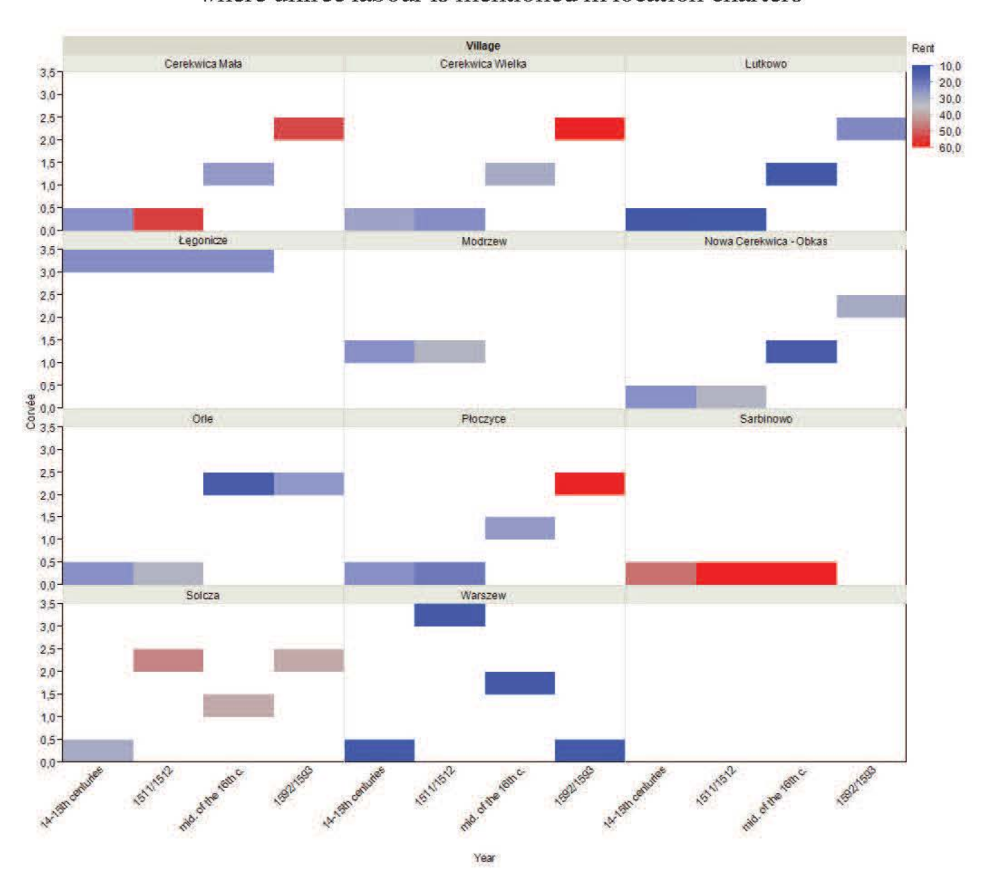
[17] K.MIKULSKI, J. WRONISZEWSKI, *Folwark i zmiany koniunktury,* cit., p. 33.

[18] J. WRONISZEWSKI, *Szlachta ziemi sandomierskiej*, cit., p.60.

[19] *Visitationes*, cit., p. 212.

location privilege to work three days a week, this number, as well as the rate of money rents, had not changed until mid-16th century.

Graph 1. **Cash rents and unfree labour in the villages of archbishopric of Gniezno where unfree labour is mentioned in location charters**



Source: Archdioceasan Archive of Gniezno (AAG), Gniezno, B143 Inventarium universorum bonorum Archiepiscalium 1548-1585; AAG, B147 Inventarium omnium proventum et aedificorumArchibiscopatus Gnesn. Sub Stanislao Karnkowski 1592-1593; *Visitationes*, cit.

It is clearly visible that over the period of two hundred years feudal burdens fixed in location charters, either in the form of money payments or unfree labour, were subject to constant change. To some extent it may support the hypothesis that " relations between villagers and lords were very flexible – location privileges and their provisions were respected as long as they met economic realities. These realities rather than the provisions determined the extent and character of peasants'

duties"[20]. On the other hand, the emergence of unfree labour resulted partially from the fact that general state legislation introduced it as an obligatory service, while changes in the nominal value of money rents can be explained by the changes in monetary systems and kinds of money used by villagers between late 14th and late 16th centuries.

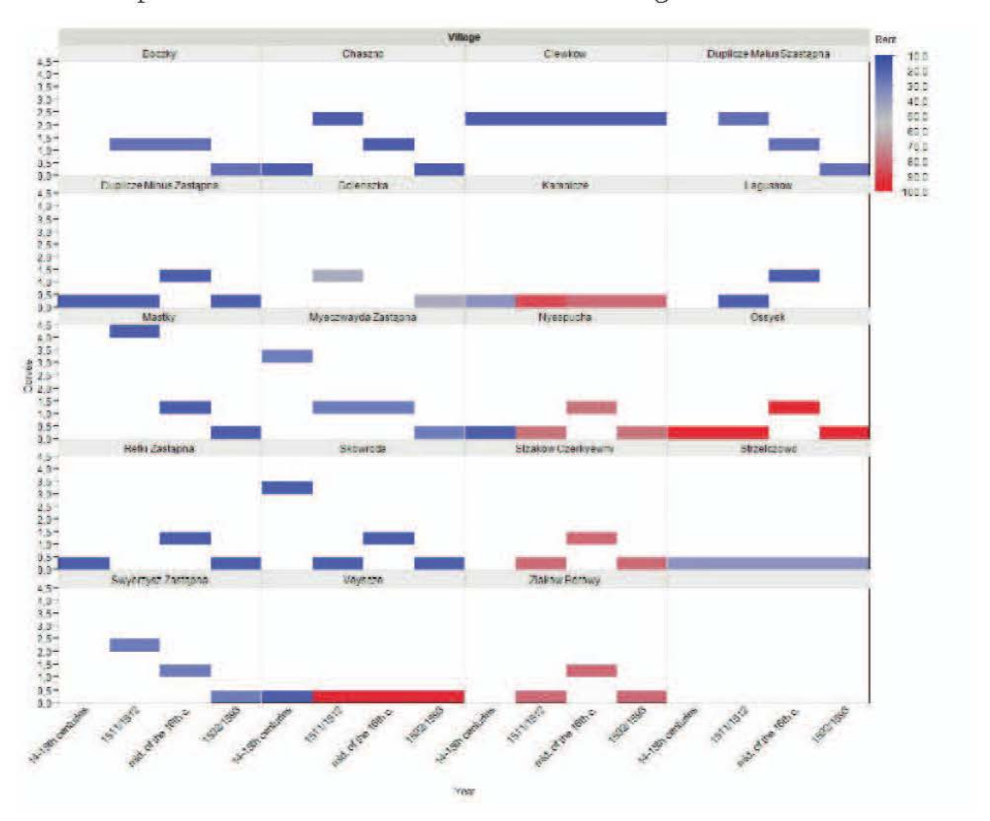
A somewhat different picture of the evolution of peasant duties emerges from the analysis of larger units within the Archbishops' estates rather than a random group of villages whose texts of location privileges happened to survive until now. These larger units, known as *klucz*, consisted of several villages which, together with the manorial farm, formed entities under unified organizational and financial management. On the basis of this analysis it is possible to distinguish several models of *klucz* management, differing in the extent of using unfree labour and in the degree of utilizing its economic potential.

ŁOWICKI *KLUCZ*

Łowicki *klucz* belonging to the Archbishops of Gniezno was located in Masovia. At the beginning of the 16th century, there were 21 villages to only two manorial estates there. In five of these villages, as early as in the first half of the 15th century peasants were obliged by their location charters to perform the weekly service of unfree labour, whereas in villages created in later periods unfree labour was either not imposed at all (eight villages) or our knowledge of it is uncertain. In early 16th century, the number of villages whose inhabitants paid their obligations in the form of weekly labour had increased to eight, and then again to sixteen in the middle of that century. It seems that the increase resulted not so much from the real economic demand as from the changes in state legislation, which can be proven by the fact that by the end of the 16th century peasants hardly ever really did this service in person, paying its money equivalent instead. It is worth noting also that changes in the extent of unfree labour were not accompanied by any evident alterations in the minimal rate of rents, even though their real value was falling. In the beginning, lords compensated themselves for that loss by increasing the number of days of peasants' unfree labour, but when it did not prove to be economically profitable, in mid-16th century they agreed to replace this, by then common service, with an additional money payment. From the point of view of peasants it meant a considerable growth in their money dues. Nevertheless, they preferred paying their obligations in cash to providing labour.

[20] J. WRONISZEWSKI, *Szlachta ziemi sandomierskiej*, cit., p. 60.

Graph 2. **Cash rents and unfree labour in the villages of Łowicki *klucz***

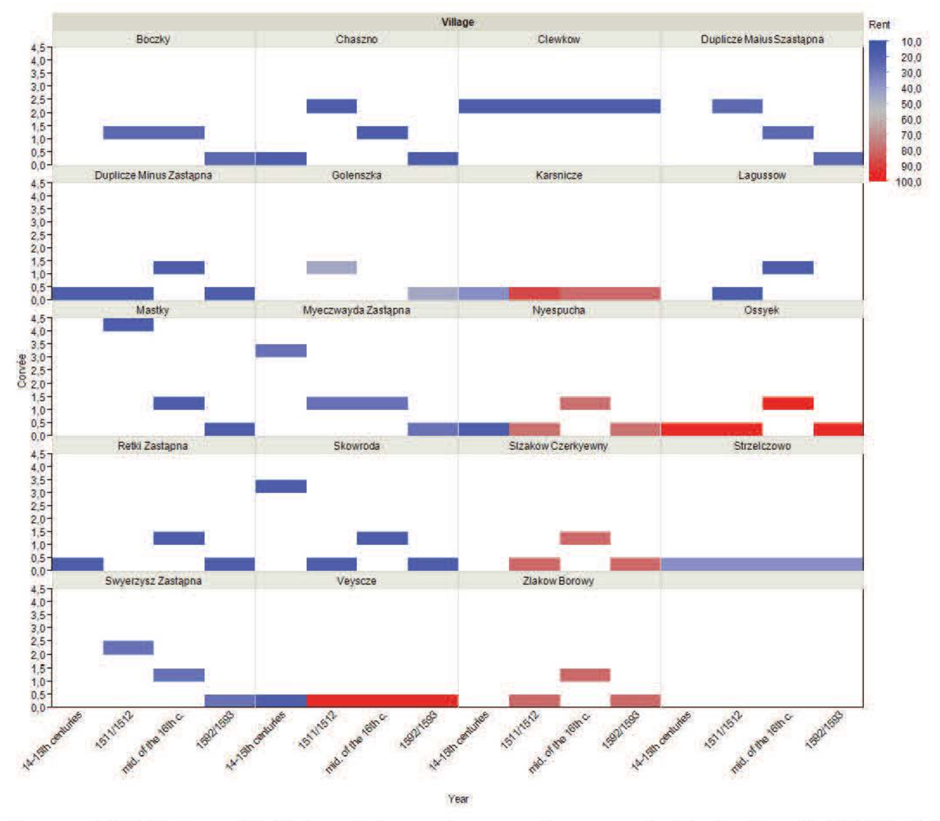


Sources: ARCHDIOCEASAN ARCHIVE OF GNIEZNO (AAG), Gniezno, B143 Inventarium universorum bonorum Archiepiscalium 1548-1585; AAG, B147 Inventarium omnium proventum et aedificorum Archibiscopatus Gnesn. Sub Stanislao Karnkowski 1592-1593; *Visitationes,* cit.

ŁYSZKOWSKI *KLUCZ*

The small Łyszkowski *klucz* situated in the immediate vicinity of Łowicz consisted of only 11 villages and at the beginning of the 16th century there was not any manorial farm there. Neither in the Middle Ages nor later was unfree labour of any economic significance there. Introduction of this service on a weekly basis was connected with changes in the state law and in mid-16th century traces of unfree labour can be traced in some villages of Łyszkowski *klucz*. By the end of that century weekly provision of labour had been abandoned and peasants were obliged to work for landlord for a few days a year only. It is interesting that even though labour duty was minimal, some peasants still preferred to pay it in the form of cash. Examination of money rents in Łyszkowski *klucz* shows their discernible increase at the beginning of the early modern period, but in the ensuing decades of the 16th century their nominal value remained unchanged.

Graph 3. **Cash rents and unfree labour in the villages of Łyszkowski *klucz***

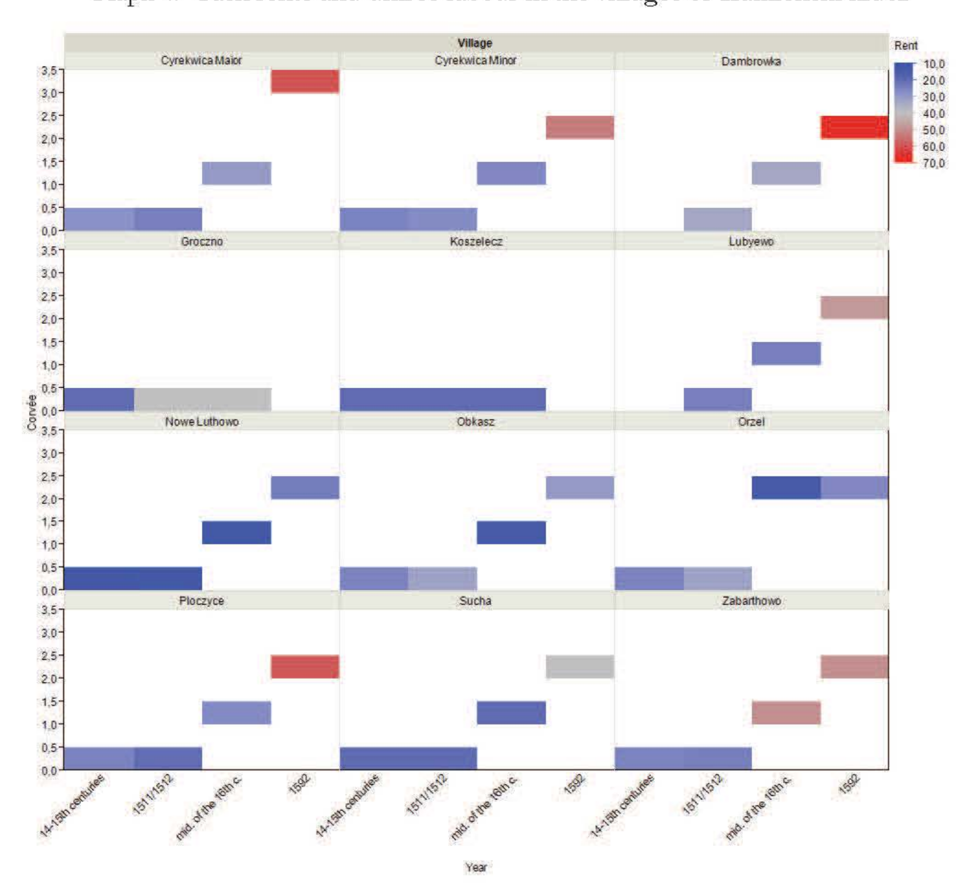


Source: AAG, Gniezno, B143 Inventarium universorum bonorum Archiepiscalium 1548-1585; AAG, B147 Inventarium omnium proventum et aedificorum Archibiscopatus Gnesn. Sub Stanislao Karnkowski 1592-1593; *Visitationes*, cit.

KAMIEŃSKI *KLUCZ*

Kamieński *klucz* of the Archbishops of Gniezno was located in Pomerania. At the beginning of the 16th century it consisted of 12 villages and as many as five manorial farms. At the turn of the Middle Ages, the extent of unfree labour imposed on peasants in Kamieński *klucz* was insignificant as it did not exceed two days a year. By mid-16th century, the role of unfree labour had increased, which was again justified by the introduction of new state laws making obligatory one day of unfree labour a week. At the end of the century, it was a norm in this *klucz* that peasants provided two days of unfree labour a week. Simultaneously, it can be observed that over the whole period under study, money rents in Kamieński *klucz* tended to grow, while traces of the practice of replacing unfree labour with cash payments cannot be found.

Graph 4. **Cash rents and unfree labour in the villages of Kamieński *klucz***



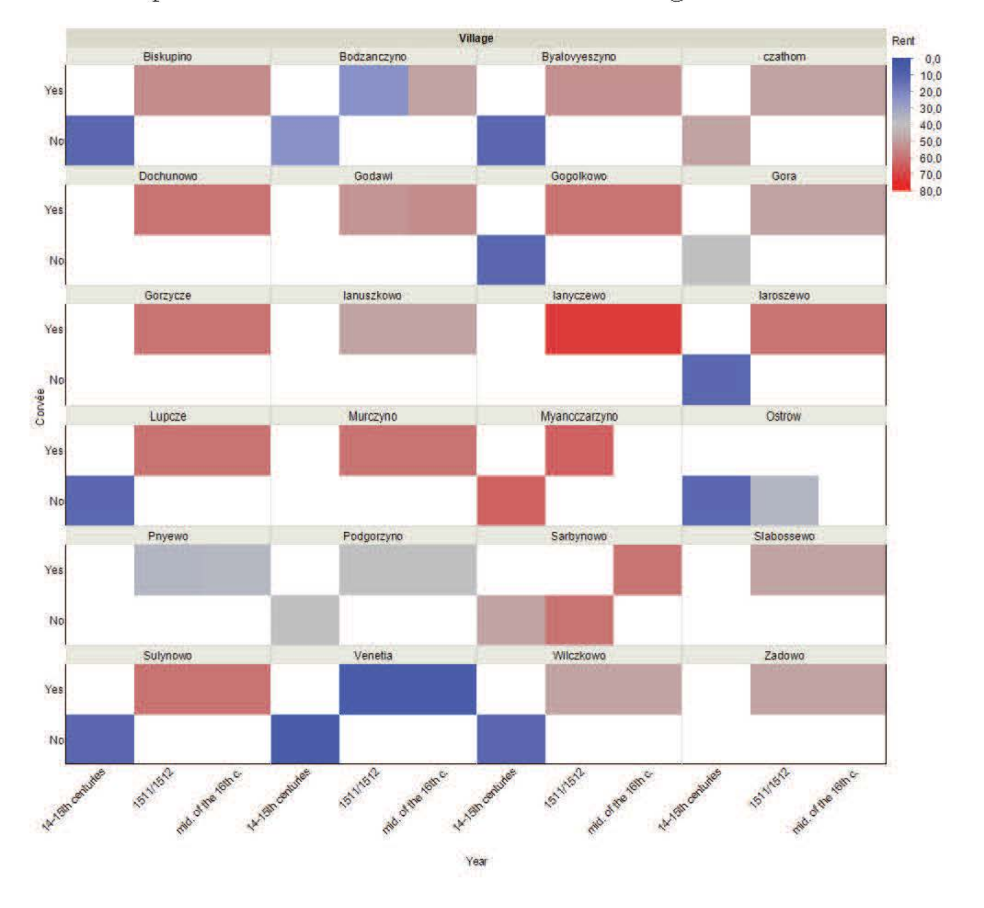
Source: AAG, Gniezno, B143 Inventarium universorum bonorum Archiepiscalium 1548-1585; AAG, B147 Inventarium omnium proventum et aedificorum Archibiscopatus Gnesn. Sub Stanislao Karnkowski 1592-1593; *Visitationes,* cit.

ŻNIŃSKI *KLUCZ*

Located in Greater Poland, Żniński *klucz* in early 16th century consisted of 23 villages and eight manorial farms. The turn of the Middle Ages brought a radical economic change for the villagers in this area. While in the 14th and 15th centuries the role of unfree labour was largely insignificant there, the situation at the beginning of the 16th century differed considerably. In all villages pieces of lords' land were allotted to individual peasants, who were obliged to farm them as part of their seigniorial duties. At the beginning of the 16th century, peasants were also made to pay higher rates than those fixed in village location charters. The change in this case could be due to the monetary reforms and the introduction of new coins minted in

Poland, which replaced Prague groshes. During the first half of the 16th century money rents remained constant.

Graph 5. **Cash rents and unfree labour in the villages of Żniński *klucz***



Source: AAG, Gniezno, B143 Inventarium universorum bonorum Archiepiscalium 1548-1585; AAG, B147 Inventarium omnium proventum et aedificorum Archibiscopatus Gnesn. Sub Stanislao Karnkowski 1592-1593; *Visitationes*, cit.-

Discussion

Within the estate belonging to one owner, in our case, the Archbishops of Gniezno, it is not possible to identify a universal model of management or a common pattern of evolution of unfree labour and its role. In *klucze* where manorial farms did not exist (Łyszkowki *klucz*) or where they did not play any important role (Łowicki *klucz*), the landowner's profits came primarily from money rents paid by peasants. Even after passing the state law in 1520 imposing weekly

unfree labour, the fulfillment of this obligation was not popularly enforced and it was quite common that its cash equivalent was collected instead, which proved to be a much greater source of income for the landlord than the rent itself. On the other hand, in *klucze* where manorial farms did exist, the extent of unfree labour tended to grow. The duty could be paid in two different forms. Peasant were obliged either to provide labour on weekly basis, with the actual number of working days increasing during the 16th century, or take regular care of an allotted piece the lord's land. Secondly, it is curious that the rate of money rents was very stable. Quite frequently, the rate recorded in later documents was of the same nominal value as the one written in village location charters and it did not change over the period of almost two centuries. In most cases, the increase in rents was a singular event in the history of individual villages, but there were also some cases, like in Kamieński *klucz*, where rents grew gradually parallel to the growth in the number of days of unfree labour. In can be concluded that it was easier to modify those peasants' burdens, such as unfree labour, which were not mentioned in 14th or 15th-century location charters than the ones, such as rents, that were specified precisely in documents.

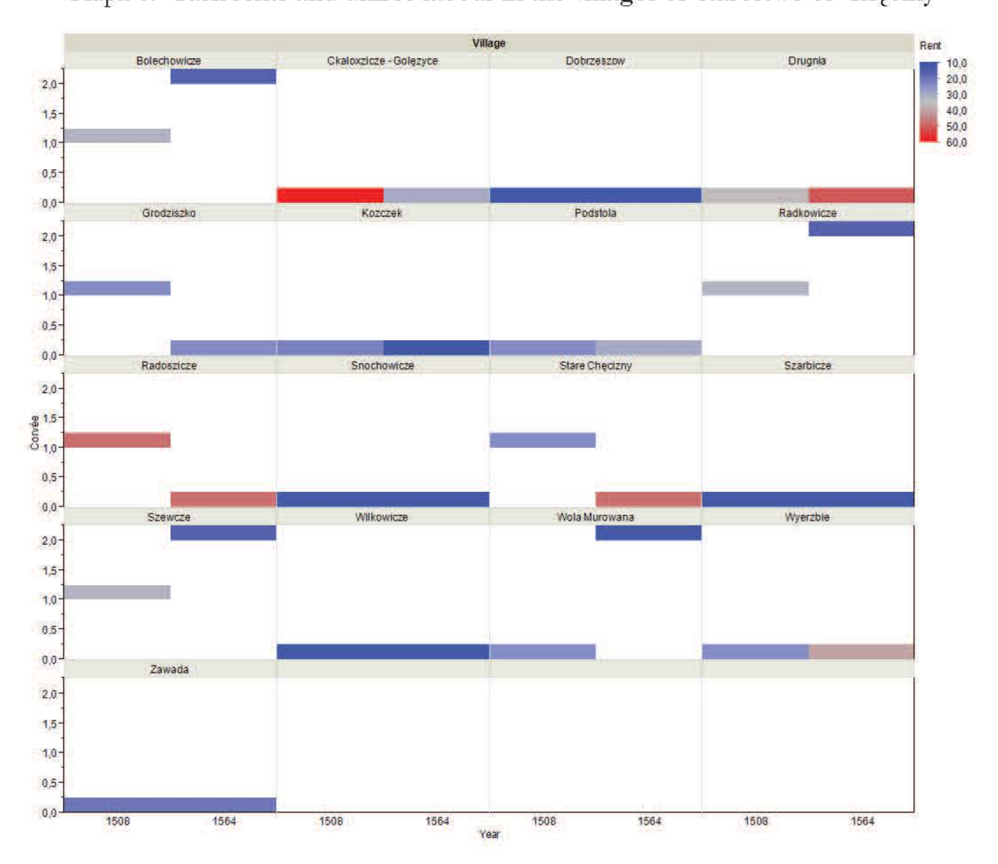
THE CROWN ESTATE

As regards the crown lands, available sources are not as detailed as the estate inventories of the Archbishops' of Gniezno. For the purposes of this study sets of data from two time periods were juxtaposed. One set of data was gathered from the oldest surviving (the turn of the 15th and 16th-century) royal lands inventory. The other was retrieved from the documents produced in 1564-1565 by a special parliamentary commission set up to make an inventory of all lands possessed by the crown. Comparison of these two sets leads to conclusions similar to those drawn from the analysis of the Archbishops' of Gniezno inventories. First, it is hard to identify any universal pattern of utilizing unfree labour. Second, its economic role from the point of view of lords and peasants varied geographically.

CHĘCIŃSKIE *STAROSTWO*

In 1564-65, there were 30 villages and 11 manorial farms within the boundaries of Chęcińskie *starostwo* in Sandomierskie voivodship, Little Poland. Unfree labour was not very common there. Both at the beginning of the 16th century and in the 1560s weekly unfree labour was provided by peasants in only a third of all villages, with the exact number of working days increasing over time from one to two a week. A much greater variety can be seen when the rates of money rents are compared. In some villages they increased, in others they fell, in still other villages they remained constant throughout the period under study. An interesting decrease in the nominal rate of rents occurred in villages where the extent of unfree labour went up from one to two days a week.

Graph 6. **Cash rents and unfree labour in the villages of *starostwo* of Chęciny**



Sources: CAHRW, *Inventory of starosty of Chęciny 1508; Lustracja województwa sandomierskiego 1564-65*, ed. W. OCHMAŃSKI, Wrocław 1963, p. 281-319.

GOSTYŃSKIE *STAROSTWO*

In 1564, Gostyńskie *starostwo* in Rawskie voivodship, Masovia, consisted of 19 villages and three manorial farms. The oldest available inventory from 1496 included information about the duty of unfree labour paid by peasants in four villages and in three of them it was a service done three days a week. Its significance increased even more during the 16th century and by the time the 1564-65 inventory was made, in some villages it had increased to four days a week. Changes in the number of unfree labour days were not accompanied by any alterations in the rate of money rents, which remained the same over the whole period.

Graph 7. **Cash rents and unfree labour in the villages of *starostwo* of Gostynin**



Sources: CAHRW, ASK LVI G-1- Inventory of starostwo of Gostynin – 1496; *Lustracje województwa rawskiego 1564 i 1570*, ed. Z. KĘDZIERSKA, Warszawa 1959, p. 87-153.

PRZEMYSKIE *STAROSTWO*

Przemyskie *starostwo* was located in Red Ruthenia. At the end of the 15th century it consisted of 16 villages. In half of them, villagers were obliged to provide the service of unfree labour. It was not a weekly service, but done either "on demand" or for two days a year[21]. During the 16th century new villages were created within the boundaries of Przemyskie *starostwo* and several villages from adjoining royal estates were administratively incorporated into it, so in the years 1564-65 it consisted of 53 villages and four manorial farms. Legal diversity was a characteristic feature of this *starostwo*. Some villages practiced German law, others *Ius Valachicum*, still others Ruthenian law, which definitely did not contribute to the unification of peasant burdens across the *starostwo*. One thing that all the villages had in common was that in none of them were peasants obliged to provide regular weekly labour or farm allotted pieces of land. Only in some of them were peasants made to work on the manorial fields if summoned to do so by the manager of the manor. Money rents in some villages did not change since the end of the 15th century and their low rate (by

[21] *Inventory of starosty of Przemyśl*, cit., p. 1-24.

16th century standards) was supposed to compensate for some work peasants did for their lords: "These peasants had small rents to pay because they serve the manor on demand"[22]. Some other villages did not have to pay rents altogether because "peasants had much work to do and often had to provide transport, so they were released from paying rents"[23].

PŁOCKIE STAROSTWO

In 1498, there were 11 villages within the boundaries of Płockie *starostwo* in Masovia. Half of them had the extent of unfree labour fixed as 1-2 days a week[24]. By 1565, the number of days in two of these villages had increased from one to two and from one to four respectively. In two other villages, one newly created and the other incorporated during the 16th century, peasants were obliged to work two and three days a week respectively[25]. However, in all other villages unfree labour was not imposed on peasants at all. The rate of money rents did not change between 1498 and 1565 and retained its original nominal value.

RADOMSKIE *STAROSTWO*

Although geographically Radomskie *starostwo* belonged to Masovia, administratively it was part of Sandomierskie voivodship in Little Poland. In 1507 it included as many as 28 villages, among which ten had the duty of unfree labour paid by the peasants at the rate of one (less frequently two) day a week. Half a century later, in 1564, despite the presence of 12 manorial farms in the *starostwo*, weekly unfree labour was still rather uncommon, as it occurred only in 14 out of 65 villages and was performed by peasants once or twice a week. One exception was a village whose inhabitants worked on their lord's field four days a week. In two other villages peasants bought themselves out of unfree labour or declared that they wished to do it. Money rents increased in some villages, but the growth was rather insignificant.

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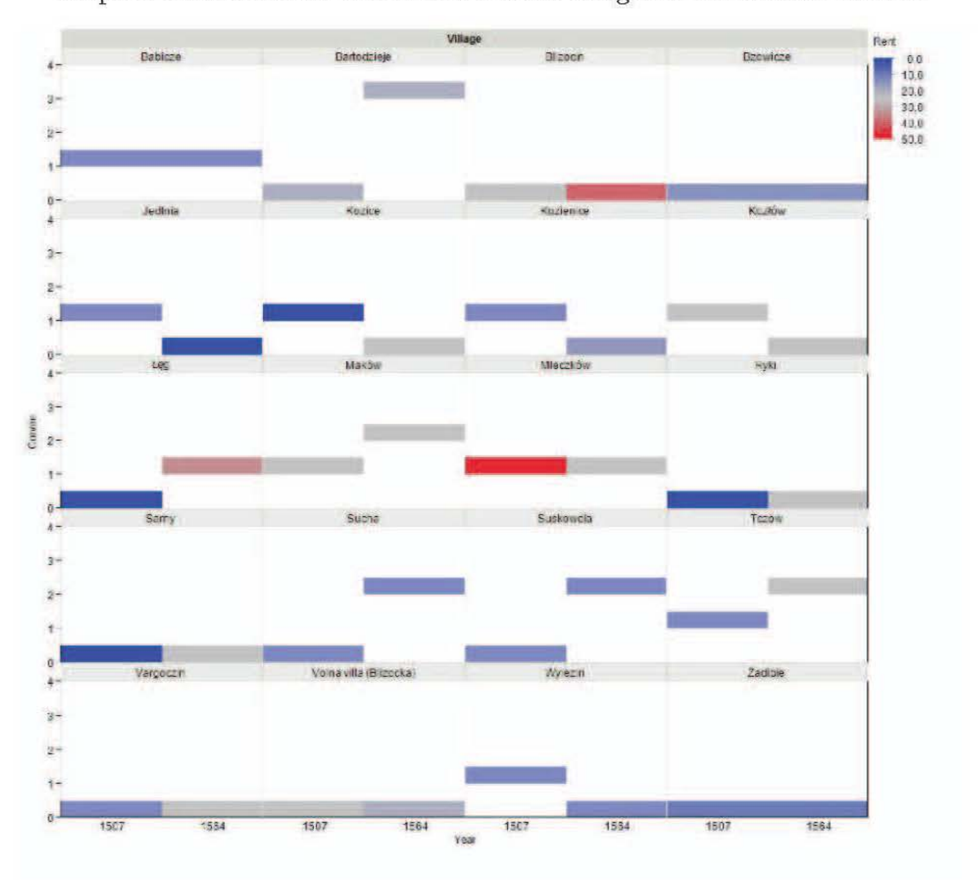
22 *Lustracja województw ruskiego,* cit., p. 46.

23 *Ibid.*, p. 43

24 *Inventory of starosty of Płock in 1498*, cit., pp. 147-161.

25 *Lustracje województwa płockiego*, cit., pp. 3-34.

Graph 8. **Cash rents and unfree labour in the villages of *starostwo* of Radom**



Sources: CAHRW, ASK, LVI R -1/I – Inventory of starosty of Radom – 1507; *Lustracja województwa sandomierskiego 1564-65*, ed. W. OCHMAŃSKI, Wrocław 1963, p. 161-278.

DISCUSSION

In the royal estates as well as in those belonging to the Archbishops of Gniezno there were various strategies of development of unfree labour. In Gostyńskie *starostwo*, unfree labour played an important role from the very beginning of the 16th century, and its role and gradually increased over time. In Przemyskie *starostwo*, regular weekly provision of labour was not imposed on peasants and even if they were occasionally ordered to do some work for the lord, the number of working days was not specified. In the remaining three *starostwa* weekly unfree labour occurred in 30% to 50% of all villages, but even there at the beginning of the 16th century it did not exceed one day a week. In the second half of the century, two or three days of obligatory labour provision were still rather uncommon. Unlike in the Archbishops' estates, the situation in the crown estates

was not affected so much by the state legislation introducing universal unfree labour. Whether or not the obligation was imposed on peasants depended on the economic strategies of individual *starostwa*. In all *starostwa* there was a noticeable tendency for the money rents to remain at the same level over the whole period between the end of the 15th century and 1564-65 when the inventory of crown lands was made.

CONCLUSIONS

Prior to the end of the 14th century, unfree labour was a marginal phenomenon. Its occurrence on a larger scale in the 15th century was not connected with the simultaneous growth in the exportation of Polish grain. This view can be supported by an argument that unfree labour became popular first in Little Poland whose links with the Baltic trade were at that time relatively weak. From the point of view of villagers, unfree labour did not appear particularly attractive because 14th- and 15th-century location privileges regulating relations between peasants and their lords hardly ever mentioned it. It seems that at the time of price revolution at the beginning of the 16th century, peasants insisted on observing the rules written in location privileges which determined the rate of money rents. As a result, in most villages under study nominal rate of rents remained constant over the period of almost two hundred years[26]. Consequently, peasants at the end of the 16th century would oftentimes pay their rents at the rate established at the end of the 14th century, even though by then the real value of money had decreased several times. Trying to compensate for this loss of income, lords imposed, probably with peasants' approval, a new duty paid in the form of labour. From this it can be concluded that the position of Polish peasants and peasant communities was stronger than it is commonly claimed. Traces of negotiations between feudal lords and peasants in villages belonging to the archbishops of Gniezno can be seen in documents known as *ordinationes*. We know about *ordinationes* issued between 1423 and 1515 for 34 villages in Masovia (most of them were issued in mid-15th century)[27]. They made changes to location privileges by introducing relatively high rents and abolishing labour services. It might have been connected with changes that were simultaneously taking place on the money market where Prague groshes were repalced by Polish half-groshes[28]. Initially, the nominal value of rents did not change, but they were paid in coins of lower real value, so the archbishops of Gniezno decided to renegotiate peasants' dues. This issue requires further research.

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[26] In older historiography the phenomenon was noticed by A. Nowak, but his views were erroneously criticised: A. NOWAK, *Przeobrażenia struktury społecznej ludności wiejskiej w Polsce w okresie panowania systemu folwrczno-pańszczyźnianego (XV-XVIII wieku), Próba ujęcia modelowego* in *Badania nad historią gospodarczo-społeczną w Polsce (problemy i metody)*, Warszawa-Poznań 1978, p.134. For criticism of A. NOWAK's views see: J. WRONISZEWSKI, *Szlachta ziemi sandomierskiej*, cit., p. 44.

[27] H. WAJS, *Powinności feudalne chłopów na Mazowszu od XIV do początku XVI wieku*, Wrocław 1986, s. 121-126.

[28] J. SZWAGRZYK, *Szerokie grosze praskie na ziemiach polskich 1302-1547*, in "Ze Skarbca Kultury", 18, 1967, p 41-192.

Its extent and rules of utilization depended on the level of regional economic development and economic strategies adopted by individual lords. In estates were manorial farms did not develop, unfree labour was of negligible importance and extent, or was required only occasionally "on demand". In areas whose links with the Baltic trade were stronger, the importance and extent of unfree labour could, although did not have to, be greater. Wherever weekly unfree labour was obligatory in crown or ecclesiastical estates at the end of the 16th century, the norm was that peasants worked two days a week rather than three as it was claimed by some scholars. In economically developed areas, peasants' involvement in market production was so intense and their farms' commercialization was so advanced that they could afford to buy themselves out of unfree labour. So even if in some regions the extent of unfree labour service recorded in documents was significant, it did not necessarily mean that the manorial farms actually received their rents in this form. Peasants often bougth themselves out of unfree labour and this cash equivalent was frequently treated as just another source of lords' income, similar to regular money rents. State law introducing the obligation of at least one day a week of unfree labour was observed only if local economic conditions favoured the use of this privilege, that is, if manorial farms developed in the area.

Alessandro Stanziani

Serfs, Slaves or Indentured People? Forms of Bondage in Russia and Central Asia, from the Fifteenth to the Nineteenth Century

INTRODUCTION

Serfdom in Russia can be hardly understood apart from the evolution of forms of bondage in Muscovy and Central Asia between the fourteenth and the early eighteenth century. The existence of slavery in Russia is little known outside the circle of pre-Petrine Russia specialists, despite slavery's importance not only for Russian but also for global history, e.g., the link between slavery and serfdom; the relationship between the lengthy Russian history of bondage (most prominently slavery and serfdom) to the Gulag; and last but not least, bondage as testimony to the Mongol influence on Russia or, vice versa, as a response to European world expansion.

A current historiography follows the main, if not sole reference work in a Western language on Russian slavery, Richard Hellie's book *Slavery in Russia, 1450-1725*.[1] Hellie considers that the *kholopy* were slaves. He initially translated *kholopstvo* as bondage, but later preferred the term slavery. Herbert Leventer objected to the latter translation, emphasizing that the status of Russian *kholopy* was not transferred to their children, that their servitude was temporary, and that they could accumulate and transfer property. He therefore thought that *kholop* corresponded instead to the English word servant.[2] This actually is a quite common problem met by everyone who has worked on forms of bondage and slavery: to what extent can we qualify different forms of bondage to which different words and rules have been applied, among them "slavery"?

This question has been raised for various forms of bondage in Africa, India, China, the Ottoman Empire, Latin America, Southeast Asia, etc. On the one hand, several scholars have stressed the existence of slavery in these various places at different times.[3] On the other hand, many other specialists on these areas have

[1] R. HELLIE, *Slavery in Russia, 1450-1725,* Chicago 1982 (University of of Chicago Press).

[2] R. HELLIE, *Recent Soviet Historiography on Medieval and Early Modern Russian Slavery,* in "Russian Review", 35, 1976, 1, pp. 1-36; H. LEVENTER, *Comments on Richard Hellie's "Recent Soviet…"*, in "Russian Review", 36, 1977, 1, pp. 64-67; R. R. HELLIE, *Reply*, in "Russian Review", 36, 1077, 1, pp. 68-75.

[3] C. MEILLASSOUX, *Anthropologie de l'esclavage,* Paris 1986 (PUF)); M. FINLEY, *Esclavage moderne et idéologie antique*, Paris 1981 (Editions de minuit); *Slavery in Africa: Historical and Anthropological Perspectives,* S. MIERS, I. KOPYTOFF eds., Madison 1977 (Univ. of Wisconsin Press); *Terms of Labor. Slavery, Freedom and Free Labor*, ed. S. ENGERMAN, Stanford 1999 (Stanford University Press).

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantecinquesima settimana di studi", 14-18 aprile 2013*

replied that local forms of bondage (and the related words to express them) cannot be translated as slavery insofar as these particular forms of bondage involved reciprocal obligations, voluntary submission, temporary bondage, and still other kindred phenomena that would seem to exclude them from being considered slavery in a strict sense.[4]

Over the long run, the history of bondage in Russia and Eurasia provides useful insights into the link between overall forms of bondage and war captives, on the one hand, and slavery, on the other.[5] In this respect, Russia and Eurasia provide a stimulating historical environment to discuss the appropriateness of the terminology adumbrated above and whether envisioning the phenomena encompassed by such wording is warranted historically. We will start with captives, then we will study ***kholopy*** before moving to serfdom.

War Captives at a Crossroads of Empires

Khanates, Nomads and Russia, from the Sixteenth to the Nineteenth Century

Without the long-standing tradition of the trade in slaves and war captives, we cannot understand the peculiar link in Russia between territorial expansion, military concerns, fiscal problems, and serfdom. Ultimately, the geo-political evolution of Russia and Inner Asia will provide insights on the link between war, trade, and forced labor. Now, the dissolution of the Golden Horde produced not only fully nomadic steppe societies such as the Nogays (a confederation of Turkic and Mongol tribes), but also city-states such as the Crimean and Kazan khanates. Turkic Kazakhs, Bashkirs, and Tatars competed with Mongol Kalmyks. Thus, Central Asian political formations cannot be lumped together simply on the basis of an allegedly common "nomadic" nature. Russian expansion there continued for over three hundred years, from the fifteenth through the eighteenth centuries. In the late fifteenth century, the alliance between the Crimea and Muscovy continued to be based on their mutual interests against their respective foes, the Great Horde and Poland. With disbandment of the Horde in 1506, Crimea, Moscow, the Nogays, and Lithuania remained the major players in the region. Moscow actually began its

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[4] Among the scholars who have defended this argument: on India: G. PRAKASH, *Bonded Histories: Genealogies of Labor Servitude in Colonial India,* Cambridge 1990 (Cambridge University Press); on Africa: P. LOVEJOY, *The Ideology of Slavery in Africa,* Beverly Hills 1981 (Sage); IDEM, T. FAYOLA, *Pawnship, Slavery and Colonialism in Africa,* Asmara 2003 (Africa World Press). On China: A. HANSSON, *Chinese Outcast. Discrimination and Emancipation in Late Imperial China,* Leiden 1966 (Brill); H. ZURNDORFER, *Change and Continuity in Chinese Local History*, Leiden 1989 (Brill); CH.M. WILBUR, *Slavery in China During the Former Han Dynasty,* Chicago 1943 (Field Museum of Natural History).

[5] Some references in a huge bibliography: C. MEILLASSOUX, *Anthropologie,* cit.; M. FINLEY, *Esclavage,* cit.; *Slavery in Africa,* cit.; E. WILLIAMS, *Capitalism and Slavery,* Chapel hill 1944 (University Of North Carolina Press); *Serfdom and Slavery,* ed. M. BUSH, New York/London 1996 (Longman); *Terms of Labor,* cit; O. PATTERSON, *Slavery and Social Death: a Comparative Study,* Cambridge 1981 (Cambridge University Press); P. Lovejoy, *Transformations in Slavery: a History of Slavery in Africa,* Cambridge 1982 (Cambridge University Press). On the translation of Islamic institutions with slavery: E. TOLEDANO, *Slavery and Abolition in the Ottoman Middle East,* Seattle and London 1998 (University of Washington Press).

real expansion eastward by conquering the steppe state of Kazan in the mid-sixteenth century. This marked an end to Muscovy's active participation in steppe politics for over seventy years; during this period, Muscovy turned westward and expanded across Siberia while fighting against Polish and Lithuanian states. In pursuing this strategy, Moscow was first allied with Crimea against Poland; then it weakened its relations with Crimea while strengthening ties with the Ottoman sultan. At the same time, the nomadic Nogays, unable to resist the predations of the Kazakhs, abandoned their pastures east of the Yaik River and moved west, crossing the Volga into the pastures of the Astrakhan khan. The new khan of Kazan ravaged the provinces of Nizhnii Novgorod and Vladimir and moved toward Moscow. However, a confrontation was avoided insofar as Moscow and the Nogays had similar interests in the area. For Moscow, the Nogays were a critical force capable of checking the Crimean raids and aiding Moscow in the conquest of Kazan.[6]

In this same period – as a result of their action against the Genoese of the Crimea in 1475 – the Ottomans made their presence more strongly felt among the Crimean Tatars and on the Pontic Steppe in general. By 1478 the Ottoman power established the right to appoint and dismiss the khans. It was thus with a single blow that Moldavian and Polish-Lithuanian access to Black Sea markets was brought to an end. By the beginning of the sixteenth century, the Black Sea had turned into an Ottoman lake.

Between 1555 and 1578, a number of events affected the Ottoman presence on the Black Sea. Muscovy took Astrakhan in 1556. Trade ties between Muscovy and Britain commenced about the same time, and soon the English Muscovy Company was sending its traders into Persia in quest of spices and silk. British woolens, hardware, and firearms in turn whetted the appetite of the shahs. However, in Istanbul, despite initial concerns over Moscow's conquest of Kazan and Astrakhan, containing Muscovite ambitions did not become a priority insofar as Istanbul was engaged with the Habsburg power in the west and Persia in the east. By the early 1560s, the sultan had adopted a more aggressive attitude and laid claim to Astrakhan; but war was avoided for the sake of the shared geopolitical and commercial interests of Moscow and Istanbul. The Ottomans established their suzerainty over the Crimean khanate between 1575 and 1578. The long war of 1579-1590 resulted in the establishment of Ottoman direct rule over much of the Caucasus. This was all the more important for Moscow in that it suffered two humiliating defeats by Poland-Lithuania and Sweden in the 1570s and early 1580s. Ever since, the Nogays experienced increasing divisions and were ultimately debilitated by the arrival of the Kalmyks in the 1630s. This did not prevent them from launching raids into Russia. Moscow thus undertook a new initiative: it began construction of fortification lines in the south; this went along with colonization of the region and explains the refusal of central and local authorities to return fugitive peasants from central Russian areas to their legitimate masters – as we shall see.

[6] M. KHODARKOVSKY, *Russia's Steppe Frontier. The Making of a Colonial Empire, 1500-1800*, Bloomington-Indianapolis 2002 (Indiana University Press), pp. 102-103.

As in previous centuries, the captive-ransoming and slave trade followed the same paths as other commercial trade. The horse trade was important for the local Muscovite economy and its military, but it also acquired increasing commercial and political significance. In the sixteenth and seventeenth centuries the horse trade was strictly controlled by the Russian authorities and was transacted in several Russian towns along the Volga. Nogays and Kalmyks sold horses to Russians and to the Crimea khanate. From 1551 to 1564 the Nogays bought for sale an average of 7,400 horses a year.[7] The Russian market held enormous lure for the nomads; in the sixteenth century, the Nogays sought to obtain from Moscow a wide variety of products (furs, woolens, armor, etc.), while in the seventeenth century the Kalmyks increasingly sold their horses to buy many of these items on the Russian markets.

The horse trade was important for the local Muscovite economy and its military, but it was the trade with the Muslim powers in Central Asia and with the rising Ottoman Empire that linked Muscovy to world markets.[8] Russians sold horses that they acquired from steppe powers to the Crimeans and Ottomans. Merchants from the Central Asian khanates – Crimea, Persia, and the Ottoman Empire – brought merchandise to Moscow while Russian merchants travelled to the Crimea; the Ottoman cities of Istanbul, Bursa, Azov, and Kaffa were the most important trade centers along a well-established trade route.

Moscow entered routes already in place, running east to west, north to southeast (India), and to the south (Ottoman Empire). At the same time, these routes and this traffic associated slaves with other goods in accordance with long-term established practices and routes.[9] Moscow's expansion in the south and changes in regional geopolitics certainly brought the trade with Crimea and the Ottoman Empire to a halt, at least for commercial items, while the traffic in captives and slaves increased because of this instability. At the same time, Muscovy competed with the Grand Duchy of Lithuania and Tver' and with the successor khanates.[10] Kazan' fell in 1552, but this did not mark the beginning of Russian conquest of the steppe; Muscovite rulers sought first to expand westward at the expense of the Polish-Lithuanian state. It was during this effort that they occasionally allied with one or another khanate to exploit the latter's internal divisions. In 1501, during the campaign in Lithuania, Crimean Tatars seized 50,000 Lithuanian captives.

During the second half of the sixteenth century, Russia once again moved eastward, into Siberia and certain Cossack areas, namely the territory of the Iaik

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[7] *Prodolzhenie drevnei Rossiksoi vivliofiki*, I-XI, Saint Petersburg 1786-1801 (Imper. Akad. Nauk); reprint, *Slavic Printings and Reprintings*, ed. C.H. VAN SCHOONEVED, The Hague/Paris 1970 (Mouton), VIII, pp. 219-223.

[8] KHODARKOVSKY, *Steppe Frontier*, cit., p. 27.

[9] P. PERDUE, *China Marches West. The Qing Conquest of Central Eurasia*, Harvard, Mass. 2005 (Belknap Press), p. 39.

[10] D. OSTROWSKI, *Muscovy and the Mongols. Cross-Cultural Influences on the Steppe Frontier, 1304-1589*, Cambridge 1998 (Cambridge University Press); J. FENNELL, *Ivan the Great of Moscow*, London 1961 (MacMillan); J. FENNELL, *The Crisis of Medieval Russia, 1200-1304*, New York 1983 (Longman); J.L. FENNELL, *The Dynastic Crisis, 1497-1502*, in "Slavonic and East European Studies", 39,1960, 92, pp. 1-23.

Cossacks.[11] The resulting prisoners of war and captives held for ransom fed a consistent market for slaves. It is symptomatic that the Russian word for captive, *iasyr* or *esyr'*, was a direct transliteration of the Turkish and Arab equivalent as used in Central Asia and the Ottoman Empire.[12]

In the fourteenth century, some 2,000 Slavic slaves a year were sold by Crimean Tatars to Ottomans, with that figure rising in the fifteenth century. The Tatars either bought them at Central Asian markets or captured them themselves.[13] Between 150,000 and 200,000 Russians were captured in the first half of the seventeenth century.[14]

Peace treaties led to the release of slaves. In 1618, for example, the Nogays signed a treaty with Moscow and released 15,000 Russian captives.[15] In 1661 the Kalmyks did the same with Russian captives they had previously acquired from the Tatars; in 1678, these same Kalmyks signed a treaty with Moscow and again returned Russian prisoners.[16]

The *Ulozhenie* of 1649 devoted a whole section (number eight) to the issue of ransoming Russian captives.[17] A ransom tax was introduced to this purpose in 1551 and remained in place until 1679. The ransom was stipulated in accordance with the captive's status. For example, the ransom for a high-ranking Russian boyar, B. V. Sheremetev, was estimated at 60,000 silver thaler. At the other extreme of the ransom scale, peasants were ransomed at about fifteen rubles per person.[18] Those who were not ransomed became slaves and were assigned various duties. In the Crimea, some were employed in agriculture or used as interpreters and guides to lead war parties into Russian territory. Those sold on the slave markets of the Ottoman Empire or Central Asian khanates were employed as craftsmen, laborers, and domestics.[19]

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[11] B. DAVIS, *State, Power and Community in Early Modern Russia: the Case of Kozlov, 1635-1649*, Basingstoke/New York 2004 (Palgrave, Macmillan).

[12] E.N. SHIPOVA, *Slovar' turkizmov v russkom iazyke* (Dictionary of Turkish into Russian language), Alma-Ata 1976 (Nauka), p. 442.

[13] A. FISHER, *Muscovy and the Black Sea Trade*, in "Canadian-American Slavic Studies", 6,1972, 4, pp. 582-593.

[14] A.A. NOVOSEL'SKII, *Bor'ba Moskovskogo gosudarstva s tatarami v pervoi polovine 17 veka* (The fight of the Muscovite state against the Tatars during the first half of the seventeenth century), Moscow/Leningrad 1948 (Nauka).

[15] N. DAVIES, *God's Playground: a History of Poland*, I-II, New York 1982 (Columbia University Press), vol. I, pp. 139-141; M. KHODARKOVSKY, *Steppe Frontier*, cit., pp. 21-22.

[16] *Materialy po istorii Uzbeskoi, Tadzhikskoi I* (Materials for the history of Uzbekistan, Tajikistan, and Turkmenistan), part 1, Leningrad 1932 (AN SSSR), pp. 386-397, quoted in R. HELLIE, *Slavery*, cit., p. 25, note 43.

[17] *The Muscovite Law Code (Ulozhenie) of 1649*, ed. R. HELLIE, Irvine CA 1988 (Charles Schlacks), part. I, ch. 8: 17-18.

[18] ROSSIISKAIA AKADEMIIA NAUK. ARKHIV, fond 1714, op. 1 (A.A. Novosel'skii), delo 66, l. 123; ROSSIISKII GOSUDASTVENNY ARKHIV DREVNIKH AKTOV (henceforth: RGADA), fond 123, opis' 3, delo 13.

[19] RGADA, fond 123, Krymskie dela 13, l. 53; *Materialy po istorii Uzbeksoi, Tadzhiskoi i Turkmenskoi SSR*, 1, Leningrad/Moscow 1932 (Nauka), pp. 386-387.

Conversely, above all during the seventeenth century, Russians seized war prisoners and captives for ransom from both Muslim and Catholic areas. According to the *Sudebnik* of 1550, captives were intended to serve the elite as administrative assistants or servants. Their maximum term of service was supposed to be until the death of their master. They could also be redeemed by an agreement between the Russian state and their country of origin. If they had converted to Orthodox Christianity, they might be emancipated, although this was not mandatory. Such a decree might be issued by the state. This occurred in 1558 when the government ordered the manumission of any war slave who converted to Orthodoxy so that he might enter the tsar's service.

If war captives were not redeemed or returned to their country of origin, they then entered the category of full or limited *kholopstvo*. Since the early seventeenth century, the state had tried to compile a register for military captives so that the central authorities could eventually return them to their home countries in case of a diplomatic agreement. However, several sources note the problems the Moscow authorities encountered in ensuring compliance with these norms, and servitude for war captives persisted. After the conclusion of the Smolensk War, in October 1634, the government ordered the release of all Poles and Lithuanians who had been seized. However, the effect of this provision was quite limited, and in 1637/38 another decree was promulgated on foreign military captives, insisting that they had the right to choose whether to return home or stay in Muscovy.

After the Thirteen Years War (1654-1667), Lithuanian and Polish captives distributed to members of the upper and middle service classes were not registered by the latter, who tended, in practice, to treat them as genuine slaves.[20] In 1655, Poles, Lithuanians, and miscellaneous others, both adults and children, were openly sold in the streets of Moscow.[21] As a result of this war, many people were sold in Russia, at times becoming *kholopy*.[22] The Nogays, who had joined the Muscovite forces, purchased German and Polish prisoners in Moscow.[23] Frequently Muslims were captured and occasionally sold in violation of Islamic law; the Ottoman and Islamic authorities therefore sent injunctions to Moscow in order to redeem them without compensation.[24]

At the same time, Russians used their influence in steppe politics to implement a rather successful strategy of divide and rule, in particular among the Kazakhs, which in the short term enhanced the market in captives. In the early eighteenth century, though with less and less frequency, Russians could still be seized as captives or slaves. In 1717, the Kalmyks, this time temporarily allied with the Kuban Nogays, brought back 12,000 captives seized in the middle Volga provinces.

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[20] R. HELLIE, *Slavery*, cit., pp. 68-69.

[21] PAUL OF ALEPPO, *The Travels of Macarius; Extracts From the Diary of the Travels of Macarius, Patriarch of Antioch,* ed. LADY L. RIDDING, London 1936 (Oxford University Press), pp. 28, 76.

[22] A.L. KHOROSHKEVICh, *Russkoe gosudarstvo v sisteme mezhdunarodnykh otnoshenii kontsa XV-nachala XVI v.* (The Russian state in the system of international relations towards the end of the fifteenth and beginning of the sixteenth century), Moscow 1980 (Nauka), pp. 30-32.

[23] M. KHODARKOVSKY, *Steppe Frontier*, cit., p. 24.

[24] RGADA, fond 89, *Turetskie dela*, delo 3.

In 1742, the Karakalpaks captured 1,000 Russian women and children in Siberia, and between 3,000 and 4,000 Russians are estimated to have been captives in the Karakalpaks' hands.[25] This occurred at a moment in history when the Russian authorities were adopting an ambivalent attitude towards the Kazakhs, wishing as they did to dominate the area.[26]

However, by the end of the eighteenth century the only slaves and ransom captives in the Russian Empire were Tatars or Circassians. The highest-volume traffic in slave chattel and captives was with the Ottoman Empire. The Russian Empire interacted with Islamic regions where chattel slavery was common and regarded as the only legitimate form of coerced labor under Islamic law. Muslim Tatars of the Crimea raided widely for Russian subjects as well as other eastern Slavs, Poles, and Lithuanians, and they exported most of their captives to the Ottomans.[27] In 1529, half of all the slaves in the Ottoman Crimea were identified as coming from Ukraine and Muscovy; the other half were the Circassians.[28] From the 1570s on, about 20,000 slaves were sold annually in the port of Caffa on the Black Sea.[29] Until the early seventeenth century, Russians and above all Cossacks also sold captives to the Tatars or directly to the Ottomans.[30] The Ottoman rules on slave trade distinguished between slaves who were brought from the Tatar and Circassian areas and those from Ottoman territories such as Azov and Taman. The tax on the latter was half of that on the former group.[31]

The Russian Empire also gradually incorporated areas in which local populations had long practiced various forms of servitude and slave trading.[32] Many inhabitants of the Caucasus – especially Christian Georgians and Armenians, together with heterodox Muslim Circassians – were sent as slaves to the Ottoman Empire, whether overland or across the Black Sea. For the first three-quarters of the nineteenth century, the Ottomans imported between 16,000 and 18,000 such slaves every year.[33] Some male slaves entered the servile administrative elite of the

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[25] *Kazakhsko-russkie otnosheniia v 16-18 vekakh, Sbornik dokumentov i materialov* (Russian-Kazakh relations during the Sixteenth-Eighteenth centuries. Collected documents and materials), Alma-Ata 1961 and 1964 (Akademia nauk Kazakhskoi SSSR), n. 88, p. 209, n. 33, p. 64, n. 76, pp. 181, 184. Also: *Mezhdunarodnye otnosheniia v Tsentral'noi Azii: 17-18vv. Dokumenty I materialy*, (International relations in central Asia: Seventeenth-Eighteenth centuries), I-II, Moscow 1989 (Nauka).

[26] M. BRILL-OLCOTT, *The Kazakhs,* Stanford 1987 (Hoover Institutions Press).

[27] W. G. CLARENCE-SMITH, *Islam and the Abolition of Slavery,* Oxford 2006 (Oxford University Press),p. 13.

[28] A. FISHER, *The Ottoman Crimea in the Sixteeenth Century,* in "Harvard Ukrainian studies", 2 1981, pp. 141-142.

[29] H. INALCIK, *Servile Labor in Ottoman Empire*, in *The Mutual Effects of the Islamic and Judeo-Christian Worlds: the East European Patterns,* A. ASCHER, T. HALASI-KUN, B. KIRALY eds., New York/Brooklyn 1979 (College Press), pp. 39-40; Y. SENG, *Fugitives and Factotums: Slaves in Early Sixteenth-Century Istanbul,* in "Journal of the Economic and Social History of the Orient", 39, 1996, 2, pp. 136-169.

[30] A. FISHER, *Muscovy and the Black Sea,* cit.

[31] H. INALCIK, *The Custom Register of Caffa, 1487-1490*, in *Sources and Studies on the Ottoman Black Sea,* ed. V. OSTAPCHUK, Cambridge MASS 1996 (Harvard University Press), I, pp. 93, 145-146.

[32] *Sbornik Imperatorskogo Russkogo Istoricheskogo Obshchestvo* (Collected works of the Imperial Russian historical society), XLI, Saint Petersburg 1884, pp. 42-43, 52-53, 104-107, 115-121, 146-157.

[33] E. TOLEDANO, *Slavery,* cit., p. 8.

Ottoman Empire, while many women ended up in the harems of the rich and powerful. Circassian families at times sold their own children to intermediaries, who transported them to Ottoman territory. Under British pressure, the flow of slaves from the Caucasus was suspended in 1854, but it grew again after the end of the Crimean War. Moreover, the brutal Russian conquest of Circassia led to an influx of between half a million and a million refugees into the Ottoman domains between 1854 and 1865, of whom perhaps a tenth were of servile status.[34] These massive arrivals increased the number of agricultural slaves, which had been relatively small until then (except in Egypt and Oriental Anatolia).[35]

In short, real slaves were present in Russia. As in other historical situations, they were typically taken in frontier raids where boundaries were uncertain, or during military operations in the strictest sense. From a geopolitical standpoint, these forms of slavery were linked to conflicts within the Islamic world and between Russia and Central Asian powers, as well as to the conflicts that tore Europe apart in the Seventeenth century.[36] Yet we still need to understand the relationship between bondage, overall geo-politics and internal social and political equilibriums in Russia.

Kholopy: Slaves, Serfs, or Indentured Servants?

Sources for studying these problems are as numerous as they are scattered. Regarding *kholopy*, the Russian archives provide whole series of contracts, civil statuses, and other litigations. Partially exploited by Iakovlev, Paneiakh, and Hellie, these sources provide a quite complete picture of the phenomenon. The *kabal'nye knigi* (i.e., the *kholopy* registration books) are particularly valuable and so are the records of the *kholopy prikaz* settled in 1571.[37] Contracts are also available in the Saltikov-Shedrin library (see the following footnotes).

It is not without interest that, over previous centuries, *kholop* meant any "subject of the" tsar or any superior Russian political authority; this word was particularly in use for Muslims and Tatars.[38] In turn, the meaning of *rab* changed over time. Iakovlev thinks it was of Turkish origin and was used to designate Mameluke slaves from Africa, who were as such distinct from slaves from Central Asia and Eastern Europe. At the same time, in the southern part of the future Rus', the word *rab* designated Cumans and Pechenegs. It is nevertheless meaningful that, in Russian legal and common language since the twelfth century, *raba* means the

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[34] TH. BARRETt, *Lines of Uncertainty: the Frontier of the North Caucasus*, in "Slavic Review", 54, 1995, 3, pp. 578-601; W.G. CLARENCE-SMITH, *Islam*, cit., pp. 13-14.

[35] E. TOLEDANO, *Slavery*, cit., p. 81.

[36] D.B. DAVIS, *Slavery and Human Progress*, New York 1984 (Oxford University Press); R. CRUMMEY, *The Formation of Muscovy, 1304-1614*, London 1987 (Longman).

[37] RGADA, *Kholopii prikaz*, fond 210 (Razriadnyi prikaz), fond 396 (*archiv oruzhennoi palaty*, opis'1, chasty *1, 2, 4, 5, 7, 11, 24, 26-33, 35, 36, opis'2, ch. 2*.

[38] For example: *Russko-dagenstanskie otnosheniia XVII-pervoi chetverti XVIII vv: Dokumenty i materialy* (Russian-Daghestan relations during the seventeenth and the first quarter of the eighteenth century. Documents and materials), Makhachkala 1958 (Dagenstanskoe kn. Izd., vol. 79), p. 174, quoted in M. KHODARKOVSKY, *Steppe Frontier*, cit., p. 37.

kholop's wife.[39] However, any free person who married a *kholop* was subject to the legal constraints applying to the latter ("po rabe kholop, po kholopu rabe").[40] Even more important, the relationship between a *kholop* and his wife is associated with that between the *kholop* and his master, the *rab* and his master, a son and his father. In all these cases, a mutual although hierarchical relation (of dependence) is established. Children, wives, and *kholopy* had limited but existing rights in relation to their "masters" (this category being inclusive of husbands and fathers).[41]

The word *kholop* then entered the *Russkaia Pravda*, a collection of legal acts that began to be compiled in 1016 and was put together in its near final version in the mid-twelfth century.[42] Three main origins of slavery were listed: accepting work associated with a slave; marrying a slave; selling oneself into slavery. In the version of the twelfth century, the general category of *kholopy* was already highly differentiated and ranged from full *kholopstvo* (*obelnyi kholop*)[43] to indentured servant (*zakup*).[44] All of these categories had legal personality and rights.[45]

Indeed, the word *kholop* appeared in quite disparate sixteenth and seventeenth century sources: law collections, judicial cases, private transactions, contracts, memoranda, estate accounts, registrations with notaries, etc. These documents never speak of *kholopstvo* in general, but qualify the word with adjectives: *starinnoe* (hereditary), *polnoe* (full), *dokladnoe* (registered), *dolgovoe* (obligated, indebted), *zhiloe* (limited to a period of time), *dobrovol'noe* (voluntary), *kabal'noe* (limited service contract). The latter was by far the most widespread term, found in 80 to 92 percent of the known contracts of *kholopstvo,* depending on the period.[46] This multiplicity of qualifiers is significant, for it indicates a set of distinct kinds of contracts rather than a single formal personal status. Elite *kholopy* (mostly entered in

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39 A.I. IAKOVLEV, *Kholopstvo i kholopy v moskovskom gosudarstve XVII v.* (*kholopstvo* and *kholopy* in the Russian state, Seventeenth century), Moscow 1943 (Nauka), pp. 16-17.

40 This expression has usually been translated as: any free person marrying a slave becomes a slave (R. HELLIE, *Slavery*, cit., p. 93). This translation takes for granted that *kholop* meant "slave" and that *rab* was synonymous with *kholop*. But we have seen that the meaning of *rab* changed over time; also, if both *rab* and *kholop* meant "slave", then, the quoted expression does not contain any reference to "free person"; and the proposed interpretation assumes such a reference (except if one argues that a *kholop* was a free person). On the contrary, one overcomes these difficulties by accepting the argument that *kholop* signified a form of bondage, that *rab* expressed a particular bondage, and that, in the case of marriage between a *kholop* and a *rab*, they were jointly responsible for each other's obligation.

41 "Ole strashno ciudo I divno, brat'e, poidosha synove na ottsa, a ottsy na deti, brat nab rata, raby na gospodinu, a gospodin na raby", *Lavrente'eskaia letopis' pod 1216*, izd 1897, p. 419 quoted in A.I. IAKOVLEV, *Kholopstvo*, cit., p. 29.

42 *The Russkaia Pravda: The Expanded Redaction* in *The Laws of Russia.* Series I: *The Laws of Rus'— Tenth to Fifteenth Centuries*, trans. and ed. D. KAISER, Salt Lake City 1992 (Charles Schlacks), pp. 31-32.

43 *Ibid.*, article 110.

44 *Ibid.*, articles 117, 119, 120.

45 N. KOLLMANN, *By Honor Bound: State and Society in Early Modern Russia*, Ithaca/London 1999 (Cornell University Press).

46 Out of 2,499 documents containing the word *kholop* or *kholopostvo*, 2,116 refer to the *kabal'noe* variety (R. HELLIE, *Slavery*, cit., p. 33). Examples of contracts are in the SALTYKOV-SHCHEDRIN LIBRARY IN SAINT PETERSBURG, manuscript section, *Obshchee sobranie gramot*, n. 1727,1937, 1941, 2017, 2019, 2348, 2406, 2635, 2672, 3026, 3081, 3392, 3475, 3486.

the category of ***dokladnoe kholopstvo***) served in the central government/palace administration and in the provincial administration until the mid-sixteenth century, in the cavalry probably until the third decade of the seventeenth century, and as estate managers until the time of Peter the Great.[47] The institution seems to have arisen around the end of the fifteenth century, and the last extant registered slavery document is dated before the end of the sixteenth century. Some of the major factors in this decline were the evolution of the central government from a royal household to an administration run by lay bureaucrats. Next was the radical decline of the large patrimonial estate (***votchiny***), which had needed stewards to manage them, in favor of an increase in smaller service estates (***pomest'ia***) that were increasingly managed by members of the middle service class.

Let us take now the most widespread of these contracts, the ***kabal'noe kholopstvo***, which appears in legislation, disputes, contracts between private individuals, wills, and estate inventories.[48] All these documents mention the length of service and the possibility of transforming a six-month or one-year contract into a contract of unlimited service.[49] However, the latter practice was prohibited in the early seventeenth century.[50] Before that, the code of 1550 already emphasized that the ***kabal'nye*** were not ***dolgovye*** (indebted). In subsequent years (1586 and 1597), new provisions confirmed that the ***kabal'nye*** could remain obligated only for the duration of the creditor's life, and that the latter could not transfer the obligations to anyone, either in the form of a sale or of an inheritance. These same rules forbade the ***kholop*** to repay his debt.[51] This latter provision could be interpreted as the desire to maintain the ***kholop*** in a state close to slavery, but it is equally legitimate to interpret it as a provision aimed to exclude that form of dependence, and the link with the previous provisions would seem to confirm the latter interpretation. This conclusion is bolstered by all the contracts that have been found, which indicate the length of commitment, usually limited to one year.[52] The evolution in the rules concerning the ***kabal'nye kholopy*** between 1586 and 1597 was inspired by the previous evolution of rules on military captives, notable the law of 21 August 1556, which prescribed that a military captive was to be enslaved no longer than the period of his captor's life and could not pass as a slave to his children.[53] From this standpoint, the change in the nature of limited service contract ***kholopstvo*** was

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[47] R. HELLIE, *Slavery*, cit, p. 15.

[48] *Dokumenty i dogorovnye gramoty velikikh i udel'nykh kniazei XIV-XVI vv. (Documents and acts decreed by princes, fourteenth-sixteenth centuries)*, L.V. CHEREPNIN, S.V. BAKHRUSHIN eds., Moscow 1950 (Nauka), p. 409, document n. 98.

[49] V. PANEIAKH, *Kholopstvo v pervoi polovine XVII veke* (Kholopstvo in the first half of the seventeenth century), Leningrad, 1984 (Nauka), IDEM, *Ulozhenie 1597 g. o kholopstve* (Ulozhenie of 1597 on *kholopstvo*), in "Istoricheskie Zapiski", 77, 1955, pp. 154-189.

[50] In 1609, this was reduced from six to five months, and was further reduced to three months in 1649: *Akty istoricheskie, sobrannye i izdannye arkheograficheskoiu kommissieiu,* I-V, Saint Petersburg 1841-43, II, n. 85.

[51] V. PANEIAKH, *Ulozhenie 1597*, cit., p. 161.

[52] V. PANEIAKH, *Kabal'noe kholopstvo na Rusi v XVI veke* (Temporary limited servants in Russia in the sixteenth century), Leningrad 1967 (Nauka), pp. 127-128.

[53] R. HELLIE, *Slavery*, cit., p. 59.

instituted to safeguard the interest of the middle service class, whose members were at a disadvantage in competing with other members of the upper service class for *kholopy*.[54]

It remains to examine the most extreme forms of *kholopstvo*. The "full" (*pol'noe*) variety was already developed in the *Russkaia Pravda* since the twelfth century and had three main sources. The *kholop* himself or herself might ask to be included in this category, as a form of repayment of a debt to the authorities. Second, if a female *kholop* married a free man, without the authorization of the person entitled to the wife's service, her husband became a *pol'nyi* (full) *kholop*. The third source was domestic service contracts established for an unlimited length of time, but such contracts have been found only between 1430 and 1554, with none appearing after that date. The most widely accepted hypothesis is that this form of dependence tended to be transformed into other forms of *kholopstvo* of a temporary nature.

The hereditary variety (*starinnoe kholopstvo*) seems to come closest to slavery in the strict sense. It expresses the condition of those whose parents were *kholopy*. It was possible to transfer such *kholopy* in wills or as a dowry or gift. In the contracts examined by Hellie, there were 5,575 *kholopy* between 1430 and 1598, 483 of whom were hereditary. The *kabal'nye knigi* (*kholopy* registration books) at the end of the seventeenth century mention 418 hereditary *kholopy* out of a total of 2,168 registered at the time. The available sources do not allow us to say whether this higher percentage testifies to the poor economic situation of the time, or to a long-term trend, because this type of commitment was prohibited by the decrees of 1586 and 1593.

To be sure, Iakovlev and more recently Paneiakh have found disputes and contracts concerning *starinnye kholopy* in the middle of the seventeenth century, decades after the official abolition of this type of contract.[55] In other words, despite the official prohibition, several lords continued to impose forms of contractual servitude of a hereditary type. The authorities devoted much attention to what amounted to illegal slavery and attempted to penalize transgressors. By banning this kind of servitude, the government sought to limit the power of nobles over peasants and thereby strengthen state authority over the owners of large estates. Furthermore, the *kholopy* were exempt from taxation, which reduced the revenue of the state. This was a measure intended to strengthen small landowners and to encourage their alliance with the state. Among other things, the specialization of warfare in the early seventeenth century reduced the importance of cavalry while increasing the importance of infantry wielding firearms. As a result, bureaucratic and military service continued to be meritocratic; but those possessing or developing merit were from outside the traditional service class.[56] The evolution of kinds of *kholopy* and those of people entitled to own *kholopy* enter these broader dynamics. In particular, measures to get rid of hereditary servitude had important consequences. Rather than exclude part of the population from all legal rights, as in the case of slavery, the solution consisted in assigning highly differentiated rights to

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[54] R. HELLIE, *Enserfment and Military Change in Muscovy*, Chicago 1971 (University of Chicago Press).

[55] V. PANEIAKH, *Kabal'noe*, cit.; A.I. IAKOVLEV, *Kholopstvo*, cit.

[56] R. HELLIE, *Slavery*, cit., pp. 9-11.

the various strata of the population and dividing them into legally distinct groups. The peasants saw their rights severely restricted, while city dwellers were prohibited from subjecting themselves, even voluntarily, to any form of *krepost'* or *kholopstvo*. Numerous provisions defined those entitled to sign *kholopstvo* contracts as creditors or debtors. Thus, in 1641, the following were excluded from the category of creditors entitled to demand labor service: all *tiaglye liudi* (people subject to *tiaglo*, i.e., the unit of taxation), including peasants and artisans as well as other taxpayers, priests, artillerymen, and monastery servants.[57] Conversely, starting in 1590, city dwellers subject to taxation (*posad*) were prohibited from offering these forms of labor service. In 1628, this prohibition was extended to include musketeers, soldiers, and all the intermediate ranks of the civil service and the military. The interpretation of these norms posed problems, because the categories were rather general. In the case of professions such as barbers, seamstresses, trappers, and small craftsmen, the question arose whether they could legitimately enter into *kholopstvo* contracts. The many petitions sent to the *kholop* chancellery concerning such individuals demonstrate their involvement in these contracts, their desire to be able to continue being taken on as *kholopy*, and their use of the law to challenge the claims of their counterparts.[58]

From this point of view, the 119 articles of chapter 20 of the *Ulozhenie* of 1649, devoted to *kholopy,* reproduced in large part the provisions of earlier legislation. For those who failed to meet their legal obligations (debts, penalties, fines, theft, etc.), the text indicated the amount of work required to repay their debt or, in general, to fulfill their obligation. Once the work was completed, the creditor brought the debtor back before an official, who released the debtor from all obligations. Section 20 of the *Ulozhenie* also mentions other conditions for release from *kholopstvo*. Various articles speak of both debts and *krepost'*, with the latter viewed as justifying the debt.

The core provisions of chapter 20 of the *Ulozhenie* depart from the rules found in many slaveholding systems (including the ancient Rome and the Western colonial codes), although they are not very different from slavery in Islamic and Catholic areas. *Kholopy* were free to marry, and such an act was inviolable. The wife of a *kholop* was obliged to remain in residence until her husband's debt was repaid, but, upon the death of the husband, his wife's dowry passed to her family, and not to the landowner-creditor.[59] The *kholop* could be called as a witness in a trial, which means that legal personality was acknowledged. Diverging most from systems of slavery elsewhere, a master of *kholopy* had no obligation to feed or provide care for

[57] A.I. IAKOVLEV, *Kholopstvo*, cit., p. 316.

[58] *Opisanie dokumentov i bumag, khraniashchikhsia v moskovskom arkhive ministerstva iustitsii* (Inventory of documents and papers kept in the Moscow archives of the Ministry of Justice*)*, XV, Saint Petersburg 1908.

[59] A. MAN'KOV, *Ulozhenie 1649. Kodeks feodal'nogo prava Rossii* (The law code of 1649. The code of feudal law in Russia), Leningrad 1980 (Nauka), pp. 113-114; P. IVANOVICH IVANOV, *Alfavitnyi ukazatel' familii i lits, upominaemykh v boiarkikh knigach, khraniashchikhsia v l-m otdelenii moskovskogo arkhiva ministerstva iustitsii*, (Alphabetical index of families and persons named in the boyari books, conserved in the first section of Moscow's Archives of the Ministry of Justice), Moscow 1853 (Ministerstvo Iustitsii); A.I. IAKOVLEV, *Kholopstvo*, cit., pp. 496-513.

elderly *kholopy*, whereas this obligation formed part of a master's commitment throughout the length of the contract itself.[60]

The available contracts show that about 20 percent of the *kholopy* were children between 5 and 14 years of age whose parents placed them under one-year service contracts that were often renewable. Some contracts were for rather long periods. Such contracts were signed by the most disadvantaged among the city population, and their numbers rose at the turn of the seventeenth century, a time of serious economic crisis. In a way, it meant placing children in service to ensure their survival. From this point of view, the *kholopstvo* contract for children sprang from the same motives as several contracts of this type that were widespread during the same period in France and England (servants in husbandry), albeit with different legal terms and institutional conditions.[61] The other *kholopstvo* contracts referred to adults working as servants. Loans were sometimes the formal reason for these contracts, but the terms of the loans often suggest that these were really servants' wages.

Taking these facts into account, we can conclude that, especially following the decline of its hereditary forms, most of the aspects of *kholopstvo* resemble other types of indebtedness and limitation on mobility, such as forms of contractual servitude widely found in the same period among Hindu populations in India, and in parts of China. Temporary servitude fell within the scope of contracts that were considered "free" and voluntary from a legal standpoint. Freedom of commitment did not exclude the renewal of contracts for up to several decades, or even throughout the lifetime of the "indebted" person.[62] However, the Russian situation differed from the one prevalent in the Islamic world, where sharia law forbad all forms of bondage for debt, crimes, and indigence, even if they occurred in practice under customary or sultans' law.[63]

In virtually all the known Russian contracts, and increasingly so over time, the status of *kholopy* could not be transferred to descendants; This is essentially what distinguished this system from slavery in Antiquity and the Americas. In other words, by their very existence, forms of voluntary bondage testify to the variety of labor commitments and to continuity rather than opposition between these forms, ranging from statutory and hereditary slavery to "free" labor. Fugitives from the ranks of apprentices, domestics, and the indentured were caught by the state's police forces and were subject to criminal proceedings. Such "penal sanctions" also applied to the Russian *kholopy*.

It is possible to distinguish two main tendencies in the disputes over *kholopy*, either involving several "claimants to title" or between these people and *kholopy*. In the first case, the question arose when someone claimed to have established a *kholopstvo* contract in good faith and the other party had previously signed one with

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[60] R. HELLIE, *Slavery*, cit. p. 211.

[61] A. KUSSMAUL, *Servants in Husbandry*, Cambridge 1981 (Cambridge University Press).

[62] G. PRAKASH, *Terms of Servitude: the Colonial Discourse on Slavery and Bondage in India*, in *Breaking the Chains: Slavery, Bondage and Emancipation in Modern Africa and Asia*, ed. M. KLEIN, Madison 1986 (University of Wisconsin Press), pp. 131-149; H. ZURNDORFER, *Change*, cit., notably chapter 5.

[63] E. TOLEDANO, *Slavery*, cit.

another master. Such an individual was legally a "fugitive". In the early sixteenth century, the *Russkaia pravda* (article 118) stated that the first claimant to rights could recover the fugitive, but had to compensate a buyer who had acted in good faith. However, the *Sudebnik* of 1550 adopted the principle of *caveat emptor*: the buyer of a title over a *kholop* could not be compensated, especially if he had been negligent.[64] Finally, the *Ulozhenie* of 1649 returned to the previous principle. In every case, written documents were required to prove the validity of a plaintiff's claims.

There were also disputes between those who claimed rights over people and those in a situation of obligation, who might object to the original obligation or to the terms of its cancellation. These conflicts were so numerous that a *kholopii prikaz* (chancellery) was set up in 1571 to resolve issues of this kind.[65] Among the most frequent disputes concerned types of *kholopstvo*. The prohibition against hereditary *kholopstvo* towards the end of the seventeenth century did not end this practice. Many cases were brought before the court at this time, by *kholopy* themselves, often by the children of *kholopy*, or by new masters who were claiming their rights.[66] These disputes confirm that it was not impossible for the *kholopy* to win a case, although the chances were slim compared with those of "claimants to title". At the same time, this use of rights was possible because it intersected with the interests of other lords, other claimants over *kholopy*, or of the state itself, for the reasons mentioned above. This also explains why the few suits *kholopy* won concerned the kind of *kholopstvo* and their obligations and rights toward one lord rather than another one. On the contrary, brutality against *kholopy* was punishable by law, but was extremely rarely enforced. The solution to this problem was rather found in the strong, disloyal competition among estate owners; the *kholop* could easily find another master, flight was easy, and recovery extremely hard and costly. This implies that masters were obliged to treat their *kholop* with relative decency or they would run away.[67]

Overall, when Peter the Great abolished the *kholopstvo* status in 1725, it applied to 10 percent of the population.[68] Of the 2,500 contracts and documents that have been recovered, 92 percent are from the Novgorod region and 80 percent of the contracts were signed between 1581 and 1603. According to Hellie's calculations, 23 percent of the cases involved single men and 60 percent couples without

[64] R. HELLIE, *Slavery*, cit., pp. 194-198.

[65] A.K. LEONT'EV, *Obrazovanie prikaznoi sistemy upravleniia v russkom gosudarstve. Iz istorii sozdaniia tsentralizovannogo gosudarstvennogo apparata v kontse XV-pervoi polovine XVI v.*, (The formation of chancellery system in the Russian state. History of the formation of the centralized state, fifteenth-sixteenth centuries), Moscow 1961 (Moskovskii Universitet), pp. 179-192. *Prikazy* were settled since 1475; they were primarily branches of the army, but many of them had judicial function. Several dozen *prikazy* existed in the 1680s. Peter the Great revitalized, rationalized, and renamed the *prikazy* "colleges".

[66] A number of law cases are discussed and fully transcribed in R. HELLIE, *Slavery*, cit., A.I. IAKOVLEV, *Kholopstvo*, cit. Archives of the so-called kabal'nye and the kabal'nye knigi are in RGADA, *Kholop*ii prikaz, fond 210 (Razriadnyi prikaz), fonds 396 (archiv oruzhenoi palaty, opis'1), chasty *1, 2, 4, 5, 7, 11, 24, 26 - 33, 35, 36, opis'2, ch. 2.*

[67] R. HELLIE, *Slavery*, cit, p. 506.

[68] V. PANEIAKH, *Kholopstvo*, cit.

children. The rest were couples with a minor child (1.6 percent), widowers (4 percent), widows (3.7 percent), married women (2.5 percent), or unmarried women (4.2 percent), while the status of the others was unknown. In the majority of cases, the *kholopy* were between 10 and 34 years of age, but about 10 percent were between the ages of 10 and 14 and another 10 percent between the ages of 5 and 9. Finally, men made up at least two-thirds, and often virtually all, of the *kholopy* throughout the period under study, from the sixteenth to the late seventeenth centuries.[69] Nearly all the *kholopy* were domestic servants, and they were rarely assigned to farm work.

The link between *kholopy* and debt bondage is clear when one relates the number of new contracts concerning *kholopy* – mostly *kabal'nye* – and the dynamics of harvest between the 1580s and 1610. In the province of Novgorod, the number of *Kholopy* rose by a factor of anywhere from 8 to10 after bad harvests.[70]

However, the *kholopy* were seldom intended for farm work, at least in Muscovy and European Russia. One reason that slaves and *kholopy* were infrequently found in Russian agriculture could be that masses of serfs performed such functions. *Kholopy* and serfs therefore appear to have been complementary, and this may have constituted one of the dominant features of Russian history. *Kholopy* initially were domestic, elite, and/or urban bonded people in a still unstable, although expanding State; later, their dismissal was linked to the solidification of State power with its fiscal and military needs and the rise of clear legal differentiations between hereditary and service nobles, peasants, artisans, urban groups, etc. The merging of *kholopy* with peasants was linked to State fiscal and military needs; since the early eighteenth century, *kholopy*, *dvornye*, and *delovye liudy* could enlist in the army; *kholopy* were initially exempted from soul tax; their transfer into existing legal-social groups (*sostoianiia*) corrected this situation. In other words, the long history of *kholopstvo* in Russia reflects that of the progressive formation of State power, the evolution in the relationship between various social groups and labor. In 1720, Peter replaced the household tax with the soul tax; this reform made it unacceptable that *kholopy* (10 percent of the population) were not submitted to the tax. Their conversion into "peasants" or lower urban groups solved this problem. In the military realm as well, since the fourteenth century at least, *kholopy* (and fugitive *kholopy*) serving in the army were freed of their "debt" and became free people. This situation changed during the second half of the seventeenth century, when the authors of the *Ulozhenie* of 1649 quickly realized that freedmen were not likely to make good cavalrymen, and thus allowed members of the middle service class who had been *kholopy* to return to their condition if they found military service not to their liking.[71] In 1700, Peter the Great, faced with the Northern War, ordered that manumitted limited service *kholopy* be enlisted in the infantry; the order was repealed in 1703. The reason was that during the second half of the seventeenth century, the nature of warfare had changed, and the old middle service class cavalry

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[69] R. HELLIE, *Slavery*, cit., pp. 423-424.

[70] A.I. IAKOVLEV, *Kholopstvo*, cit., p. 35.

[71] R. HELLIE, *Slavery*, cit., p. 84.

had been largely phased out. This was a crucial step toward the abolition of *kholopstvo.*

From this standpoint, the history of bondage in Russia and Central Asia confirms what previous studies on Mediterranean slavery have already stated, that is, the importance of pre-colonial slavery, in particular outside the transatlantic route, and, therefore, the importance of the role these previous routes had in terms of the organization of labor, legal rules, and trans-national powers. The slave trade in Russia and Central Asia was connected to the stabilization of territorial powers, the evolution of warfare, and the monopoly on violence. Indeed, the history of war captives and *kholopy* in Russia is linked to that of the incredible expansion of Muscovy and Russia and to the evolution of inner social relationships. Indeed, Russian expansion in the steppes went along with the increasing importance of war captives (in institutional and economic terms, as we have shown) and, then, with the end of *kholopy* and the generalization of new forms of bondage, namely serfdom, in the Russian Empire.

Kholopy, peasants and serfs

The *Sudebnik* (law reports) incorporated and widely applied the provisions originally intended (1455-1462) only for monastery peasants, which consisted in limiting their mobility.[72]

After 1565, Ivan IV changed the "obedience charter" and added a clause stipulating that peasants had to obey the landholder. Cavalrymen took this as license to increase the rent.

Why were these rules adopted?

An old historiographical view linked the enserfment of the peasantry to the evolution of economic conditions. The economic crisis, famines, and population decline were said to have led landowners to demand that the State make rules tying peasants to the estates of nobles.[73] In this view, the rise in farm prices beginning in the sixteenth century and subsequent increases due to poor harvests and famines in the early seventeenth century were supposed to encourage noble landowners to bind the peasantry in order to benefit from price rises.[74]

This argument is encountering increasing criticism. The relative decline in population in the middle of the seventeenth has been overestimated and it came after nearly a century of demographic growth.[75] In general, there is no empirical

[72] D. KAISER, *The Growth of the Law in Medieval Russia*, Princeton 1980 (Princeton University Press), provides a detailed analysis of the different editions of the *Sudebnik* (1550, 1589, and 1606).

[73] D. FIELD, *Rebels in the Name of the Tsar*, Boston 1976 (Houghton Mifflin), pp. 2-7; R.E.F. SMITH, *Peasant Farming in Muscovy*, Cambridge 1977 (Cambridge University Press); A. KAHAN, *Natural Calamities and their Effect upon the Food Supply in Russia*, in "Jahrbücher für Geschichte Osteuropas", 16, 1968, 3, pp. 361-371.

[74] J. BLUM, *Prices in Russia in the Sixteenth Century*, in "The Journal of Economic History", 16, 1956. 2, pp. 182-199; A. MAN'KOV, *Tseny I ikh dvizhenie v russkom gosudarstve XVI veka*, (Prices and their dynamics in the Russian state in the sixteenth century), Moscow/Leningrad 1951 (Nauka, AN SSSR).

[75] A.I. KOPANEV, *Naselenie Russkogo gosudarstva v XVI v* (The population of the Russian state in the sixteenth century), in "Istoricheskie zapiski", 64, 1959, pp. 233-254.

confirmation of the argument that the indebtedness of the peasantry and low population led to serfdom.[76]

Some other scholars have linked these limitations to territorial expansion, lack of manpower, plus tax and the military burden.[77] But in fact, most of the nobility was hostile to territorial expansion, which was viewed as a source of instability and was blamed for reducing the available manpower.[78] Indeed, measures for delimiting property were not only dictated by the tax and military requirements of the State, but also reflected a redefinition of the relationships between social groups and the State, namely, the role of land property as a social and political marker.[79] The rules were thus appropriated by the State and broadened to include the entire peasantry in relation to the Muscovite leaders' attempt to establish a land register. Throughout the sixteenth and seventeenth centuries, several rules were adopted that had the effect of limiting peasant mobility; however, these rules actually aimed to establish a cadaster in order to improve tax income and military conscription, but also to settle disputes over estates to which there were various claimants, including different categories of noble, the crown, the Church, and monasteries. In other words, Muscovite elites' claims to and conflicts over land were at the root of rules concerning the cadaster; peasant mobility was only a secondary cause.[80]

These meant that peasants could move from central "black earth" lands to state or court lands, if they felt so inclined, and there is no doubt that many peasants moved freely about Russia and that the government took measures to ensure they had the right to do so. Until the first half of the seventeenth century, it was assumed that the restriction was temporary; by the 1630s, landlords even came to enjoy the right to allow their peasants to move, as expressed in a document they signed (the ***otpusknaia gramota***) [81]. These documents were signed by landowners, for example, to let their peasants marry on another estate, move to towns, etc. In exchange, peasants had to pay a fee. Serfdom resembled a form of racket much more than it resembled slavery.

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[76] M. CONFINO, *Domaines et seigneurs en Russie vers la fin du XVIIIe siècle: Étude de structures agraires et de mentalités économiques*, Paris, 1963 (Institut d'études slaves de l'Université de Paris, 1963); R. HELLIE, *Enserfment*, cit.

[77] R. HELLIE, *Enserfment*, cit.; P. PERDUE, *Military Mobilization in Seventeenth- and Eighteenth-Century China, Russia and Mongolia,* in "Modern Asian Studies", 30, 1996, 4, pp. 757-793.

[78] R. JONES, *The Nobility and Russian Foreign Policy, 1560-1811*, in "Cahiers du monde russe et soviétique", 34, 1993, 1-2, pp. 159-170.

[79] D. MOON, *The Abolition.*

[80] Cadaster documents (*Pistsovye knigi)* are largely available in RGADA in a large number of fonds, among which f. 1239, opis' 3, chast 17, 69-72, 74, 76, 86-87 (cadasters of Moscow district, 1674-1681); fond 396, opis' 2, ch. 5 (1616-1732), Smolensk, and several other districts; fond 1209 (prilozhenie arkhiv premikikh votchnikh del, 1565-1692), opis' 1, ch. 1-3, opis'2, ch. 1-2, opis' 16-72. Fifteenth- and sixteenth-century cadastres were published in *Pistsovye knigi Moskovskogo gosudarstva,* ed. N.V. KALACHOV, St. Petersburg 1872 and 1877. On cadasters: H. EATON, *Cadasters and Censuses of Muscovy,* in "Slavic Review", 26, 1967, 1, pp. 54-69; the most complete list of published sixteenth and seventeenth cadastral records in S.V. VOZNESENSKII, *Materialy dlia bibliografii po istorii narodov SSSR XVI-XVIIvv.* (Materials for bibliography of the history of the Soviet people, sixteenth to seventeenth century), Leningrad 1933 (Gos. Isz.).

[81] R. HELLIE, *Enserfment*, cit., p. 108.

The process was by no means simple, however, as is evidenced by the numerous legal disputes and petitions drawn up by noble families against other claimants to their properties, whether other nobles, merchants, *boyari*, or others.[82]

The alliance between the state and the provincial and lesser nobility was supposed to offer a solution, new rules on runaways being adopted in exchange for landowners' acceptance of a cadaster. However, this agreement proved to be ineffective, because different state administrations were unable to cooperate in achieving a cadaster, returning runaways, and punishing owners whose claims were illegitimate. To that must be added the lack of cooperation among landowners, who continued to retain peasants who were on the move – "runaways". Petitions multiplied between the 1620s and the 1640s, and the central state responded by lengthening the time to recover fugitives from five to nine-fifteen years (1637, 1641, 1645, 1648).

This is where the famous *Ulozhenie* intervention of 1649 comes in; according to many interpretations Russian, Soviet, and Western alike, it marked the final adoption of the servile regime (*krepostnoe pravo*) in Russia and thereby the central role of the State in the process.[83] Yet, if we read that document carefully, we find that it contains nothing concerning the organization of work on the estates.[84]

The text did not refer in any way to a title to ownership of peasants, but rather to attestations of land registration of noble estates. [85] That explains why this text puts no sanction against peasants who fled, but strongly sanctioned lords who received them[86]. Exactly as they did before, peasants continued to sign "settlement contracts"[87] with landlords, in which they defined the conditions and terms of their engagement.

To what extent did these rules contribute to solving the long-term questions of land ownership and social status in Russia, and in particular the unfair competition between hereditary with their practice of keeping "runaways" on the one hand, and the sharp conflicts between service and hereditary, on the other hand, as well as the conflict between service elites and hereditary estate owners and merchants?

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[82] R. CRUMMEY, *Sources of Boyar Power in the Seventeenth Century*, in "Cahiers du Monde Russe et soviétique", 34, 1993, 1-2, pp. 107-118.

[83] R. HELLIE, *Enserfment*, cit.

[84] A. MAN'KOV, *Razvitie krepostonogo prava v Rossii vo vtoroi polovine XVII veka* (The development of serfdom in Russia during the second half of the seventeenth century), Leningrad 1962 (Nauka).

[85] A new Russian edition (*Sobornoe ulozhenie 1649 g.*) and commentaries was published in 1987 under the supervision of A. Man'kov. For an English translation, see R. HELLIE, *Muscovite Society*, Chicago 1967 (University of Chicago Press); IDEM, *The Muscovite Law Code (Ulozhenie) of 1649*, Irvine CA 1988; *The Law Code of 1649* and *Muscovite-Western Commercial Relations*, in *Readings in Russian Civilization*, ed. TH. RIHA, Chicago 1969[2] (University of Chicago Press), pp. 154-172.

[86] *Ulozhenie*, chapter 11, n. 10.

[87] R. HELLIE, *Enserfment*, cit., p. 144; E.I. KAMENTSEVA, *Usloviia zakreposhcheniia novoporiadchikov* (The Conditions of Enserfment of New Settlers), in "Trudy moskovskogo gosudarstvennogo istoriko-arkhivnogo institute", 7, 1954, pp. 129-154.

The available sources reveal a clear attempt by the state to enforce rules,[88] but as the records of litigation among landowners and between landowners and urban merchants plainly show,[89] the legal definition of those who had the right to own and transfer populated estates was not made clear. The great landlords became notorious for luring peasants away from smaller estates.[90] This game became even more complicated when urban elites (for fiscal needs) and peripheral authorities (interested in increasing the local population) pushed to keep the "runaways" in place. Negotiations on this occurred on the legal, the administrative, and the political level.[91]

Annexation of new territories and the colonization of the steppe further weakened these already barely enforced rules. In 1635 a decree authorized commandants of local garrisons and southern governors to guarantee residence to fugitive peasants and not to return them to their legitimate owners. The following year, a new ordinance freed all those whose mobility had been put under limitation after 1613. Petitions by estate owners increased so much that, in 1636, the central authorities decreed the obligation to return fugitive peasants to their legitimate owners. The *Ulozhenie* of 1649 sought to reinforce these rules. However, in the southern areas even more than in the heartland, these rules were barely enforced.[92] In the eyes of some tsarist elites, geopolitical considerations overwhelmed the political and social defense of estate owners in the central areas of Russia. As a consequence, between 1678 and 1897, peasants' settlements in the central forest heartland fell from 69.9 to 41.22 percent of the total, while those in the steppes areas increased from 28.78 to 41.22 percent. During this same period, settlement in Siberia rose from 1.32 to 7.54 percent. In the southern and eastern settlement areas, one-third of the population increase was due to natural growth and two-thirds to immigration. By the 1680s the peasant population in the Ukrainian territories was about half a million people; it doubled by 1720.[93] By 1678, 3.7 million peasants had emigrated and settled in Siberia, the northwestern areas, the Urals, the southeastern

[88] On peasant mobility, see RGADA, fond 294, opis'2. D. MORRISON, *"Trading Peasants" and Urbanization in Eighteenth Century Russia: The Central Industrial Region*, New York/London 1987; E.I. INDOVA, *Rol' dvortsovoi derevni pervoi poloviny XVIII v. v formirovanii russkogo kupechestva* (The role of the village court during the first half of the eighteenth century in the formation of a Russian bourgeoisie), in "Istoricheskie Zapiski", 68, 1961, pp. 189-210. A French translation of which has appeared as *Les activités commerciales de la paysannerie dans les villages du tsar de la région de Moscou (première moitié du XVIIIe siècle*, in "Cahiers du monde russe", 5, 1964, 2, pp. 206-228.

[89] RGADA, fond 615 (krepostnye knigi mestnyjh uchrezhdenii XVI-XVIII v), opis' 1; Fond 294 (Manufaktor-Kontora), *opis-1-3*.

[90] E. MELTON, *The Russian Peasantries, 1450-1860*, in *The Peasantries of Europe*, ed. T. SCOTT, London 1998 (Longman), pp. 227-268, 239.

[91] A. KAHAN, *The Plow, the Hammer and the Knout: an Economic History of Eighteenth-Century Russia*, Chicago 1985 (University of Chicago Press), pp. 76-77.

[92] TSENTRAL'NYI GOSUDARSTVENNYI ISTORICHESKII ARKHIV GOROD MOSKVY (Central State Historical Archive of Moscow - TsGIAM), fond 379 opis'1; *Pol'noe Sobrannoe Zakonnov* (Full collection of Russian laws -PSZ), (I), vol. 40, n 21779; vol. 32, n. 25150.

[93] E. MELTON, *The Russian Peasantries*, cit.

steppe, and the Volga.[94] As a whole, the population of Russia increased from 7 million in 1600 to about 9 million in 1678, 14 million in 1719, 17 million in 1762, and 21 million in 1782.[95]

In sum, in seventeenth- and early eighteenth-century Russia, colonization made free, in the sense that it greatly relaxed legal constraints on peasants and contributed to the evolution of the institutional and economic relationships also in farming regions. Indeed, compensation to the estate owners of Central Russia came from increasingly restrictive access to inhabited estates in these areas. From the mid-1730s until the early 1760s, a number of decrees limited the number of people entitled to own and transmit inhabited estates. Servants, servants in monasteries,[96] soldiers and the lower administrative levels, the clergy, merchants, urban guilds, Cossacks, and *raznochintsy* (people of various ranks) were all prohibited from acquiring or transferring inhabited estates and from establishing *krepost'* relationships.[97] Finally, in 1762, factory owners were prohibited from buying and transferring estates with either urban or rural workers.[98] This did not prevent several merchants and manufacturers from acquiring populated estates and firms,[99] so that in 1812, the Senate was forced to confirm the decree of 1758.[100]

Last but not least, the evolution of the legal status of the peasantry was strongly affected by the secularization of ecclesiastic lands in 1763, which placed 20-25 percent of the peasants under State authority. At the same time, Tsarina Catherine sought to extend heartland serf rules to the new settlement colonies and offered her close collaborators and top-ranking officials full ownership of lands. Historiography usually cites Catherine make gifts of a million peasants and Paul presenting 800,000. Actually these figures refer mostly to territories annexed in the Polish partition and in the Caucasus.[101]

In short, from the mid-sixteenth century until the last quarter of the eighteenth century, Muscovite, Russian, and Imperial Russian rules of land ownership did not refer to serfs but mostly aimed to define who was entitled to own and then dispose of populated estates and, as a consequence of that entitlement, who could retain runaways. This solution had far-reaching consequences: it showed that the main goal of the state was not to bind the peasantry, but to link the very possibility some

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[94] D. MOON, *Peasant Migration and the Settlement of Russian Frontiers, 1550-1897*, in "The Historical Journal", 40, 1997, 4, pp. 859-893; W. SUNDERLAND, *Peasants on the Move: State Peasant Resettlement in Imperial Russia, 1805-1830*, in "Russian Review", 52, 1993, 4, pp. 472-485; S.I. BRUK, V.M. KABUZAN, *Dinamika chislennosti i rasselenie russkogo etnosa, 1678-1917* (La dynamique du nombre et de l'établissement des ethnies russes, 1678-1917), in "Sovetskaya istoriografiya", 1982, 4, pp. 9-25.

[95] D. MOON, *The Russian Peasantry, 1600-1930*, London and New York 1996 (Longman), pp. 20-21.

[96] PSZ (I), vol. 8, n. 5633. On the various drafts of this these laws: RGADA, fond 342, opis' 1, delo 37, part 2.

[97] PSZ (I), vol. 12 n. 9332, 9367.

[98] PSZ (I), vol. 15, n. 11490, vol. 16, n. 11638.

[99] RGADA, fond 294, opis'1, dela 385,386; opis'2, dela 135, 145, 168.

[100] PSZ, II, vol. 3, n. 2378; ROSSISKOI GODUDASTVENNYI IMPERIAL'NYI ARKHIV (Russian Imperial Archives - RGIA), f. 1149 (department zakonov gosudarstvennogo soveta) op. 2, d. 44.

[101] I. DA MADARIAGA, *Russia in the Age of Catherine the Great*, London, 1981 (Weidenfeld and Nicholson).

estate owners (not all) had to possess and transmit them to these owners' acceptance of the state rules regarding the cadaster and thus property. In turn, this put the entitled nobility under the legal control of the state. Third, defining the estate owner rather than the serf meant that the former was informally allowed to exert her or his authority over the latter –which means to exert seigniorial justice and possibly require forms of coerced labor. The state simply delegated the local demesne legal authority to the estate owner. But ultimately, earlier sets of rules meant that, while the peasant could not refuse corvees, he could contest the estate owner's ownership. Attempts by nobles to refuse access to land and status to such other groups as service elites and the bourgeoisie were constantly mitigated by the ambivalent approach of the state elite, which wished to allow yet at the same time restrict the nobility's access, in order to win support for reform and ensure social stability.[102]

Numerous court proceedings testify to conflicts between landowners and the administration or among landowners about the validity of titles of nobility.[103] Disputes also arose when estates were transferred, dowries constituted, or inheritances bequeathed.[104] Of course, other nobles and the tsarist elites were opposed to such practices, for both sociopolitical and economic reasons. [105] Nonetheless, in 1836, non-hereditary nobles were confirmed in their right to own inhabited estates, though not to transfer them.[106] The solution then consisted in presenting the sale of noble estates (or a part of them) to non-nobles as loan contracts; which was not necessarily false, insofar as the "merchants" often financed indebted nobles and the latter were unable to repay their debts. To prevent this from happening, a law in 1816 (supported by both part of the nobility and Russian officialdom) prohibited the recording of letters of credit in the name of persons who were not entitled to own and transfer peasants.[107]

Despite these provisions, transactions between nobles and non-nobles continued. To escape the law of 1816, non-nobles used verbal agreements to secure peasants' work or to grant loans to nobles, etc.[108] These offences multiplied in the ensuing years; numerous decrees tried to limit the practice of verbal agreements between nobles and non-nobles on the subject of peasants.[109]

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[102] The High Chamber (senate) records several such cases in 1816. *Arkhiv gosudarstvennogo soveta*, I-V, Saint Petersburg 1869-1904, IV, vyp. 1, ch. 2, pp. 253-258.

[103] TsGIAM, fond 54, opis. 1; RGADA, fond 615, opis' 1, several cases; RGADA, fond 342, opis' 1, dela 64, 119, 120.

[104] Several cases in TsGIAM, fond 54. and in RGADA, fond 1209 (arkhiv prezhnykh votchnnykh del), in particular opis 84. M. LAMARCHE MARRESE, *The Enigma of Married Women's Control of Property in 18th-century Russia*, in "Russian Review", 58, 3, 1999, pp. 380-395.

[105] The Senate still records a great number of these transactions in 1816. *Arkhiv gosudarstvennogo soveta* (Archives of the State Council), I-V, Saint Petersburg 1869-1904, IV, vyp. 1, ch. 2, pp. 253-258.

[106] PSZ (II), vol. 11, n. 9203.

[107] PSZ (I), vol. 33, n. 26469.

[108] RGIA, Fond 1149, opis' 2, several dela.

[109] Decrees of 1825, 1828, 1840, 1847. PSZ (I) vol. 40, n. 30407, PSZ (II), vol. 3, n. 1696, vol. 15, n. 13051.

Nonetheless, in 1836, the "personal" nobles (non-hereditary) were confirmed in their right to own inhabited estates but not to transfer them.[110] Those provisions were followed by an increasing number of disputes among nobles, between service nobles and hereditary nobles, or between nobles and the administration. According to the statistics of the Ministry of Justice, in 1845 alone, 6,400 requests for confirmation of the title of "noble" were submitted, only half of which were validated.[111] A law in 1833 prohibited any new bondage, even if the parties agreed to it.[112] Limitations imposed on the mobility of peasants residing on an estate owing to a debt to a non-noble were also forbidden.[113] Several other rules followed during the first half of the nineteenth century, which in fact precipitated a broader process in which administrative and legal condemnation of bondage opened the way to large-scale administrative and judicial "emancipation".

Changing Legal Status: Administrative Procedure or Court Proceedings

It is widely accepted that peasants had but few legal rights in eighteenth-century Russia; indeed, some scholars consider that to have been true right up to the legal reforms of 1864.

Their arguments require a serious assessment. In fact, recourse to the law to capture social and economic assets depends on the distribution of legal rights, as well as on legal procedures and on the precise wording of laws. A clear distinction has to be made between administrative law, on the one hand, and civil and penal law, on the other hand. In Tsarist Russia, the former largely dominated the legal landscape and often overlapped with the latter. We thus need to clarify which kind of rules regulated the institutional and social life of peasants, how they were implemented, and with which issues. We may start with administrative rules in the strict sense. In fact, many laws were passed during the first half of the nineteenth century to facilitate administrative changes to the legal status of peasants. They were reforms that responded simultaneously to particular claims, to momentary worries, and to a more general attitude on the part of Russian elites. Political stability, economic efficiency, paternalistic criticism of serfdom, and the particular economic interests of the state or some of the nobility all played a part, to different degrees, in reform.[114]

In general, the matter of rules and their implementation consisted in transferring peasants belonging to private estates to the legal category of state peasants. After the seventeenth century, peasants on noble and private estates had

[110] PSZ (II), vol. 11, n. 9203.

[111] *Otchet ministerstvo iustitsii za 1845* (Report of the ministry of Justice, 1845), Saint Petersburg 1846, pp. xix.

[112] *Svod zakonov*, IX, 1833, art. 546.

[113] E. K. Wirtschafter, *Structures of Society: Imperial Russia's "People of Various Ranks"* , DeKalb, 1994 (Northern Illinois University Press), p. 81.

[114] R.E. JONES, *The Emancipation of the Russian Nobility, 1762-1785*, Princeton 1973 (Princeton University Press); D. SAUNDERS, *Russia in the Age of Reaction and Reform, 1801-1881,* London/New York 1992 (Longman).

been distinguished from state peasants.[115] State peasants had certain obligations only to the state, for example to pay an annuity, usually in money, sometimes in kind. They were also obliged to perform work of public interest, which is usually mentioned to justify the existence of forced labor and serfdom in this category. At the same time, state peasants could work in cities in trade and industry, provided they had the required documents.[116] Catherine II even included representatives of state peasants in her legislative commission assigned to define the rights and obligations of the main social groups.[117] In 1842, state peasants were freed from any obligation towards the state, apart from tax.

Starting from this premise, we can study the rules allowing a peasant from a private estate to be reclassified as a state peasant. A first reform was adopted by Alexander I, who ascended the throne in 1801 and gave the impression of being willing to introduce far-reaching reforms. In 1801 he allowed merchants, townspeople, and state peasants to own unpopulated estates, by which he intended to partially up the nobles' monopoly of land ownership. In 1803, a decree created the *svobodnye khlebopashtsy*, free farmers whom, at his own discretion, the landowner could exempt from any obligation to him, apart from those obligations arising from the attribution to peasants of plots of land belonging to the overall owner. Those agreements were legally binding on both peasants and landowners.[118].

This provision by Alexander was supposed to lead to an improvement in agriculture while being advantageous to estate owners; and according to the estimates of Hoch and Augustine, between 1833 and 1855 alone 58,225 people were emancipated on its basis,[119] a figure that rose to 114,000 male peasants between 1803 and 1855. However, despite several attempts to go further, Alexander did not adopt other reforms of the same kind. The Napoleonic wars and opposition by some groups of nobles and high-ranking officials seem to have played a role in his change of heart.[120]

The next tsar too, Nicholas I, spent some time projecting reforms before adopting concrete rules. They occurred in the broader realm of Kiselev's reforms between 1838 and 1842, which radically modified the status of state peasants.[121]

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[115] On this difference, see V.I. SEMEVSKII, *Krest'ianskii vopros v Rossii v XVIII i pervoi polovine XIX veka* (The Peasant question in Russia in the eighteenth to the first half of the nineteenth century), I-II, St. Petersburg 1888 (Obshchstevennaia pol'za; IDEM, *Krest'iane v tsarstvovanie Imperatritsy Ekateriny II* (The peasantry under the reign of Catherine II), I-II, Saint Petersburg 1901 (tipografiia F. S. Sushchinskago); I.I. IGNATOVICH, *Pomeshchich'i krest'iane nakanune osvobozhdeniia* (Private landlords' peasants on the eve of emancipation), Moscow 1910[2] (tipografiia Sytina); Leningrad 1925[3].

[116] N.M. DRUZHININ, *Gosudarstvennye krest'iane i reforma P.D. Kiseleva* (State Peasants and the Reform of P.D. Kiselev), Moscow 1958 (Nauka).

[117] *Sbornik imperatorskogo russkogo istoricheskogo obshchestva* (Collected Essays of the Russian Historical Society), St Petersburg 1872, X, pp. 285-288; I. DE MADARIAGA, *Russia in the Age of Catherine the Great,* London 1981 (Weidenfeld and Nicholson), p. 139.

[118] PSZ (I), vol. 27, n. 20620 (20 February 1803).

[119] S. HOCH, W. AUGUSTINE, *The Tax Censuses and the Decline of the Serf Population in Imperial Russia, 1833-1858*, in "Slavic Review", 38, 1979, 3, pp. 403-425.

[120] S.V. MIRONENKO, *Samoderzhavie i reformy: politicheskaia bor'ba v Rossii v nachale XIX v.* (Autocracy and reforms: political struggle in Russia in the early nineteenth century), Moscow 1989 (Nauka).

[121] N.M. DRUZHININ, *Gosudarstvennye*, cit.

Accordingly, in 1842 a new decree was adopted. It was conceived as the direct successor to the 1803 decree, but with the major difference that the contractual agreement between an estate owner and peasants would not be left to the free will of the former but would be regulated by law. If the peasants involved did not redeem the value of the land, estate owners would retain the right of full patrimonial ownership of it and the peasants would receive plots for their use. A particular category of peasant was created, the peasant who had an obligation (*obiazannye krest'ianie*) toward noble landowners and who fitted neither the category of private estate peasants in the strict sense (*pomeshchichie krest'iane*) nor that of servants (*dvornye liudi*).

As with previous rules, this new decree referred specifically to peasants, private peasants, and rural inhabitants, but not to "serfs", who would be subject to other legal rules (*uslovnoe pravo*); peasants no longer had any general obligations toward landowners, except those concerning the plot received when the contract with the property owner was signed.[122] Peasants concluded contracts with landowners stipulating the size of their allotment and the level of their obligations. From the adoption of the new law until 1858, a total of 27,173 male peasants and their families were affected by the decree.[123]

In 1841, peasants whom private nobles had allotted freely to monasteries or charitable institutions were also reclassified due to the prohibition on the ownership and transfer of serfs by these institutions.[124] About 8,900 people were thus transferred to the category of state peasants, and the institutions to which they belonged were compensated by the state.[125]

Tsar Nicholas did not stop with reforms; in 1844, two new laws facilitated the reclassification of *dvornye liudi* (servants); the first one freed their masters from any responsibility for the payment of their taxes, while the servants freed were subject neither to military service nor taxation until the next revision. The second law facilitated a change in legal status in cases in which a landowner mortgaged his estate to certain credit institutions. According to a study at the time, in 1851 alone 11,000 *meshchane* (merchants) from eleven provinces were said to have benefited from those rules, having been previously the peasants of private owners.[126]

About 19,000 working peasants attached to private factories were freed between 1840 and 1851, and during the same period many mines had recourse to "temporary workers" (*nepremennye* or *urochnye rabotniki*) who were registered as private peasants at the time of the eighth revision. These facts were denounced years later and a court decision was made for the ninth revision only in 1851. At

122 PSZ (II), vol. 17, n. 15462.

123 S. HOCH, W. AUGUSTINE, *The Tax Censuses*, cit., p. 410.

124 PSZ (II), vol. 16, n. 14669, 19 June 1841.

125 N. MEL'NITSKII, *Sbornik svedenii o voenno-uchebnykh zavedeniiakh v Rossii* (Collection of figures on the military establishments in Russia), I-IV, St. Petersburg 1857-1860, II, part 3, pp. 187, 217, part 4, pp. 52, 119, part 5, p. 141.

126 P. KEPPEN, *Deviataia reviziia: issledovanie o chisle zhitelei v Rossii v 1851 goda* (The ninth census: study of the number of inhabitants in Russia in 1851), St. Petersburg 1857, pp. 6-7, 21, 62, 88, 95, 100, 127, 142-144, 152-159.

that time, 53,900 men working in the mines were transferred to state estates as peasants.[127]

All these rules reclassified private peasants into other categories and thereby erased their obligations toward their landlords.

Administrative emancipation sometimes occurred for other reasons. As we have seen, under tsarist law mortgaged estates put up for auction were especially targeted. State and noble elites agreed that indebted landowners must be helped in order to prevent their lands from falling into the hands of "speculators" and bourgeoisie. To that end, along with the state itself, local peasants were granted priority in acquiring such lands. In 1847, the peasants from auctioned estates could buy land and purchase their own freedom to move.[128] That same year, however, the state Ministry of Estates, set up in 1838, was obliged to buy private estates put up for auction. As a result, 178 estates were taken over between 1838 and 1855, with a population of about 58,275 serfs consequently transferred to the state. Beginning in 1842, the same ministry also began taking over estates belonging to "isolated peasants" (*odnodvorcheskie krest'iane*). By 1858, about 8,000 peasants had been taken over by the state in that way. In 1845, the administration in charge of feeding horses in the province of Voronezh bought the estate of Count Orlov with its 6,562 inhabitants, who became state peasants. The "public treasury" (*udel*), too, took over estates: between 1831 and 1860 it bought fifty-two estates in the provinces of Simbirsk and Orel, with about 25,000 inhabitants. In all, between 1833 and 1858 alone, the legal status of 343,575 male peasants changed owing to mass emancipations by the state: they ceased to be private estate peasants and became state peasants and sometimes *meshchane*.

General and administrative law regarding emancipation had a cumulative effect not only on mortgaged estates, but also on the terms of succession. Thus, two new laws adopted in 1836 and 1839 stipulated that if a landowner left no heirs, or no heirs who could legitimately own serfs, the peasants would become state peasants, whereas the servants could register in cities as *meshchane*.[129]

In 1841, a new law prohibited the succession of landless nobles or landless owners of peasants. Consequently, between 1841 and 1858 the number of landless nobles dropped from 17,700 to 3,633 and their serfs from 62,000 to 12,045, a dramatic fall, even taking into account the possibility that some of the serfs had been sold to other nobles.[130]

The voluntary redemption of peasants' obligations and thus a change in legal status at the discretion of the master was already provided for in the seventeenth and eighteenth centuries. But it is difficult to estimate the number of such redemptions, as no systematic, province-by-province studies are available, although

[127] P.G. RYNDZIUNSKII, *Vymiralo li krepostnoe krest'ianstvo pered reformoi 1861 g.?* (Were serfs really disappearing before the Reform of 1861?), in "Voprosy istorii", 7, 1967, pp. 54-70.

[128] E. K. WIRTSCHAFTER, *Social Identity in Imperial Russia*, DeKalb, 1997 (Northern Illinois University Press), p. 121.

[129] *Svod zakonov*, IX, art. 462-3 (1857); PSZ (II), vol. XI, n. 9203 (1836), vol. XIV, n. 13012 (1839).

[130] S. HOCH, W. AUGUSTINE, *The Tax Censuses*, cit., p. 420.

notarial archives (*krepostnye knigi*) and estate archives provide useful information. The impression given by the huge mass of archives is that voluntary acts of redemption accelerated during the nineteenth century in response to both tax support and legal simplification as provided by the tsarist rules.[131] According to estimates at the time, the ninth revision of 1851 held in twelve provinces (*guberniia*) resulted in a change in the legal status of 11,000 *meshchane*.[132] The tsarist authorities collected relatively detailed though not cumulative data on such individual acts between 1860 and 1868; they cover twenty-five volumes and give a wealth of information on the state of the population in Russia's provinces and empire.[133]

These acts were part of the paternalistic relationships proper to the system; they set an example for the mass of peasants to engage in cordial relations with their landowners with a view to their possible emancipation. The pace of these acts accelerated during the nineteenth century in response to incentives from the authorities and the compensation guaranteed to noble landowners.[134]

However, changing legal status also resulted from the increasing number of legal proceedings brought by peasants themselves against their masters. Until the 1770s, there were no special courts in Russia for peasants, who were forced to apply to nobles and their courts to request emancipation, which considerably reduced attempts to initiate proceedings. The situation changed in 1775 with the introduction of peasant courts, accompanied by a clear-cut legal separation between ownership of things and rights over human beings. Throughout the nineteenth century, these issues were frequently the subjects of court rulings. Peasants themselves were sometimes able to demonstrate in court that the landowner, or master, concerned was not entitled to own the estate.[135] Proceedings brought by peasants became so numerous that between 1837 and 1840 the Senate actually decided to put a stop to cases involving serfs still living with their masters.[136] Overall, between 1833 and 1858 the Senate recorded 15,153 cases of illegal bondage, while the provincial courts dealt with 22,000 cases of this type.[137]

Naturally, these positive outcomes should not obscure the difficulties confronting peasants who tried to bring proceedings against a noble or someone claiming to be noble. The rulings of local courts often differed considerably, and several judges considered peasant petitions inadmissible and even refused to grant them the right to appeal.[138] A number of cases of corruption of judges by noble

131 Notarial archives in RGADA, fond 615, opis' 1; fond 1253 and 1274.

132 P. KEPPEN, *Deviataia reviziia*, cit., pp. 6, 7, 21, 88, 95-100, 127, 142-144, 152, 159.

133 G. GENERAL'NYI SHTAB, *Materialy dlia geografii i statistiki Rossii, sobrannye ofitserami general'nogo shtaba* (Materials for the geography and statistics of Russia, collected by the officers of the General Headquarters], I-XXV, St. Petersburg 1860-1868.

134 PSZ (II), vol. 11, n. 9203.

135 TsGIAM, fond 54 (Moskovskoe gubernskoe upravlenie), 1783-1917, opis' 1, for example 56, 284, 966, 1509. Several other cases can be found in Deistviia Nizhegorodskoi gubernskoi uchenoi arkhivnoi komissii, several booklets, 1890s.

136 RGIA, fond 1149, opis' 2, delo 90.

137 PSZ (II), vol. 20, n. 19283, vol. 22, n. 20825 ; RGIA, fond 1149, op. 3, delo 125.

138 RGIA, fond 1149, opis' 2, delo 20.

landowners were also recorded. Finally, the investigations of proceedings went slowly and it often took ten years to reach a conclusion.[139]

Measures aimed at changing this state of affairs were not adopted until the end of the 1840s, when a new law facilitated the legal proceedings of all those who considered their obligations towards estate owners to be illegal.[140]

Conclusion: legal Status and Economic Dynamism in Imperial Russia

Two main elements are usually called upon to explain "serfdom": the State and noble landowners. Historians talk about the State in two different, thoroughly incompatible ways. For some, serfdom is a result the strength of the autocracy, whereas others emphasize, on the contrary, the weakness of the Tsarist State, which is said to have left the nobles free to enserf the peasants.

These two interpretations are partial, if not erroneous, in that they do not take into account the close interaction between the State (or rather, certain administrations and certain leaders) and Russian society. The State was more than an administration and, above all, the latter was not limited solely to taxation and the police; the State was also the law, and from that standpoint, the dominant interpretations miss the essential point when they assert that the autocracy imposed a law that was not really law or, on the contrary, that it was incapable of controlling relationships in the countryside. In reality, Tsarist law recognized and relied on other legal sources, including seigniorial law and its courts, and these rules mutually legitimated each other. The disputes between nobles and merchants and the considerable emancipations of peasants through legal and/or administrative channels testify to the importance of this element. However, the law was hierarchical; the various social groups had varying access to the courts and to jurisdictions. In other words, while it is not true that Russian society had no law, it would be a mistake to equate it with the rule of law as defined, for example, in France or in the United States at the end of the twentieth century. The way law was conceived and implemented shaped social and economic hierarchies. The mobility of peasants on private estates was considerably restricted. However, these restrictions were never definitive and they changed according to the estate and the economic situation. As a whole, these provisions corresponded to a reorganization of the administration and the introduction of a land registry in order to settle conflicts between nobles and merchants, or even within noble families, over the transfer of estates and the attribution of "noble" status.

Here we find interesting differences from Western colonial slavery, beyond what we have already mentioned before: the lack of race concerns, the importance of the peasant commune, and the contract signed between peasants and landlords. In particular, emancipation did not occur as a single act, as in Western colonies and the US (even if, as we will see, in the British Empire this took the form of a transitional apprenticeship period for slaves). Almost half of the Russian peasants

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[139] In particular, the law of 1847, in PSZ (II), vol. 22, n. 20825.

[140] Law of 1847, in PSZ II, vol. 22, n. 20825.

had already been emancipated from their obligations toward private owners in the decades before the official abolition of serfdom. Compared with the administrative procedures of manumissions, the emancipations resulting from to judicial litigations were a tiny minority – about 12,000 people against a million – yet this amount corresponds to our extremely partial investigation in some local courts and in the Senate decisions. And, even so, this is already close to the number freed slaves resident in Britain in the early 1770s (estimated between 10,000 and 15,000) and more than twice the number then residing in France.[141] In short, in terms of number, unlike British and American slavery, Russian emancipation was already progressing before the official abolition of serfdom, mostly resulting from administrative and political acts, even if one cannot neglect judicial issues. This can be interpreted as a limitation of Russian civil society, and certainly it was. At the same time, if in Britain the abolitionist movement involved many social groups, in France public opinion was much more passive and silent and therefore abolition of slavery was essentially a top-down act.[142] Among the specific forms of administrative manumission, military service played a major role in Russia; this too distinguished Russian emancipation from that in contemporaneous Britain and the US. Indeed, in the American colonies, during the War of Independence, some leading actors sought to play this card: slaves who would volunteer to serve would be promised freedom at the end of the war. Unfortunately, this measure was extremely rarely followed up on, because of the opposition of slave owners[143].

Other forms of Russian administrative emancipation before 1861 were related to the tsarist elites' desire to exert economic, social, and political control over the nobility; reforms seemed to promise to preserve autocracy and its social order. This strategy preserved Russia from dramatic abolition process such as the Civil War and its aftermath in the US. Protests against the definitive emancipation of serfs came from parts of the provincial nobility, but this was far from the dimensions of a civil war as experienced in the USA.

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[141] S. DRESCHER, *Abolition. A History of Slavery and Antislavery,* Cambridge 2009 (Cambridge University Press), p. 98.

[142] IDEM, *Capitalism and Antislavery: British Mobilization in Comparative Perspective,* New York 1987 (Oxford University Press).

[143] IDEM, *Abolition,* cit., pp. 125-126.

Antal Szántay

Serfdom in 18th Century Hungary

Written for the XLV Study Week "*Serfdom and Slavery in the European Economy*" at the International Institute of Economic History "F. Datini" in April 2013, this paper aims to summarize the changing conditions of social groups attached with personal bondage to their landlords in 18th century Hungary.[1] These social groups and their specific relationship to their landlords as well as the land exclusively used by them are called urbarial (*urbarialis* in Latin), derived from *Urbar* in German (*urbarium* in Latin) for register, roll or index of serving population and their obligations. Urbarial peasants or better to say, urbarialists in 18th century Hungary are usually denominated with the term 'serf' in English. It corresponds with *jobbágy* in Hungarian and with *Leibeigener* in German. These terms, however, have today a specific connotation with certain socio-economic conditions, and are hardly authentic. 18th century sources speak of urbarialists in Latin as *colonus*, *inquilinus* and *subinqulinus* referring to their different share of resources within the village community, primarily manifested in occupancy of land and house ground. Throughout this paper I try to stick to these more authentic terms in order to avoid pre-concepts, and to develop more objective views which might better fit in a theoretical frame of 18th century economic and social history.

POPULATION CHANGE

18th century Hungary experienced considerable population change. Big parts of the country were liberated from Ottoman rule; the Treaty of Karlowitz in 1699 set an end of the one-and-half century long Ottoman occupation, the treaty of Passarowitz brought further territorial gains, mainly the Banat of Temeswar, while the Treaty of Belgrade in 1739 fixed the southern borders of the Habsburg Monarchy along the rivers Sava and Danube. By 1711, with the Treaty of Szatmár which closed Francis II Rákóczi's anti-Habsburg War of Independence, the war

[1] For more background information see especially É.H. BALÁZS, *Hungary and the Habsburgs 1765-1800, An Experiment in Enlightened Absolutism*, Budapest 1997, pp. 213-232; D. BEALES, *Joseph II*, 1, *In the Shadow of Maria Theresa 1741-1780*, Cambridge 1987, *passim.*, 2, *Against the World, 1780–1790*, Cambridge 2009, pp. 239-270; P.G.M. DICKSON, *Finance and Government under Maria Theresia 1740-1780*, vol. 1, *Society and Government,* vol. 2, *Finance and Credit*, Oxford 1987, 1, pp. 115-139; R.J.W. EVANS, *Austria, Hungary, and the Habsburgs, Essays on Central Europe, c. 1683-1867*, Oxford 2006, pp. 17-35; F.J.A. SZABO, *Kaunitz and enlightened absolutism 1753-1780*, Cambridge 1994, pp. 303-345.

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantacinquesima settimana di studi", 14-18 aprile 2013*
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theatre left most of Hungary's territory. The possibilities of life in peace, of reconstruction and re-cultivation opened up. Vast territories were depopulated and destructed. The situation was similar to the open frontier areas of the American West, and population could grow 'unchecked' in Malthusian terms. Population size was as low as in late 15th century, under the reign of the famous renaissance King Matthias I Corvinus. No exact data exist though. Rough estimates vary from 4.1 to 5.3 Million in 1720.[2] The first population census (1784-1787) under Joseph II, however, produced exact data. The *conscriptio* found a surprisingly high population in Hungary including Croatia and Transylvania resulting officially in total 8,56 Million.[3] With an estimated 1.1 Million to be added for errors and for the Military Frontier area which was not included in the population census, this figure could be set even higher to 9.7 Million.[4] Thus, population in the 18th century roughly doubled within two generations. Population density, however, was still low, arriving to an average of 30 head per square kilometre. Population density was the highest at the *Littorale*, Hungary's Adriatic coast around Fiume (today Rijeka), and in Upper Hungary (today Slovakia), while the lowest on the Great Hungarian Plain and in Eastern regions.[5]

Low population size and abundance of land stimulated migration within and immigration to Hungary. Migration from the mountain areas especially in Upper Hungary and immigration from the Balkans still under Ottoman rule, from Habsburg Galicia and mainly from the German territories supplied the depopulated plain regions with new population. It is still difficult to estimate the total gains of immigration, though a series of studies are dedicated to different detailed aspects of the issue.[6]

Migration and immigration were less spontaneous than much more controlled and organized by landlords and by the state. Immigrants were recruited by inpopulation agents mostly in Southwest German territories (Swabia) from where settlers could move comfortably and relatively cheap on the Danube to Hungary and the Banat. Settlers were furnished with houses built in advance and with the necessary starting stock, even with money to refund their costs.[7] They were

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[2] Z. DÁVID, *Az 1715-20. évi összeírás*, in *A történeti statisztika forrásai*, ed. J. KOVACSICS, Budapest 1957, pp. 145-199, 173; B. PÁPAI, *Magyarország népe a feudalizmus megerősödése és bomlása idején (1711-1867)*, in *Magyarország történeti demográfiája, Magyarország népessége a honfoglalástól 1949-ig*, ed. J. KOVACSICS, Budapest 1963, pp. 143-219, 150; Z. KAPOSI, *Magyarország gazdaságtörténete 1700-1848*, in *Magyarország gazdaságtörténete a honfoglalástól a 20. Század közepéig*, ed. J. HONVÁRI, 2. ed. Budapest 1996, pp. 175-260, 175; G. GRANASZTÓI, *Magyarország történeti demográfiájának longitudinális vizsgálata*, in *Magyarország történeti demográfiája*, cit., pp. 173–181, 174; *The Population History of Hungary in the Light of a Conference Series (Summary)*, in *Magyarország történeti demográfiája*, cit., pp. 405-417, 412 and 416-417.

[3] G. THIRRING, *Magyarország népessége II. József korában*, Budapest 1938, p. 119.

[4] I. WELLMANN, *Magyarország XVIII. század végi népességének kérdéséhez*, in *Mezőgazdaság, agrártudomány, agrártörténet*, ed. P. GUNST, Budapest 1979, pp. 265-301, 299.

[5] G. THIRRING, *Magyarország népessége*, cit., pp. 117-119.

[6] For a detailed case study see Z. TEFNER, *Kolonisationsgeschichte der hessischen Sekundärgemeinde Kötsching / Kötcse*, in *Beiträge zur Volkskunde der Ungarndeutschen* 13 (1996), pp. 7-86.

[7] "Zugvieh [...] Wirtschaftsgerät und Brenholz und wurden wenigstens zur ersten Ernte verpflegt. Außerdem streckte man ihnen Saatgetreide und Futtermittel vor. All dies [...] sollte nach fünf Jahren in

contracted for becoming free of taxes and other obligations for several years. In a certain sense, Hungary was Central Europe's open frontier, and it is very probable that South German emigrants preferred Hungary to North-America for reasons of distance, comfort and safety.

Population change had considerable socio-economic consequences. Society's composition along ethnicity, languages and religion changed. Population density and thus population pressure grew while land-labour ratio decreased. Devastated and depopulated places were revived and new villages were established, abandoned land became cultivated again. Settlers brought changes in culture, social institutions and economic technology with. An obvious example is the differing order of inheritance which had important consequences in the socio-economic system. Immigrant Swabians namely followed strictly primogeniture or agnatic succession while in Hungary partible inheritance prevailed traditionally. Immigrants were often regarded and meant by landlords and state officials as agents of technology transfer who would give good examples of higher developed cultivation to their native neighbours. Often, however, the failure of settlers is reported too, for not being able to accommodate themselves to climate, soil or habits, and for not progressing in cultivation.

SOCIETY

Immigrants' specific status was no rarity in Hungary's society. Society in Hungary was composed of many groups of very different social status, privileges and specific characteristics. The first population census produced exact data of the social status structure of Christian male population.[8] Because of the *conscriptio*'s military purposes, no data were collected on the social status of the Christian female population and of the non-Christian population (Jews). The categories applied, however, resulted of different aspects of social status, e.g. belonging to privileged Estates (clergy, nobility), occupation (*honoratiores*, craftsmen, peasants, etc.) and age (younger than 17 years). Urbarial bondage, however, was disregarded among these categories. Consequently, the category of 'peasants' included *coloni* and some of the *inquilini* having a holding big enough to maintain a family, as well as some free peasants.[9] For this category 448,972 head in Hungary (Banat included) and 56,736 head in Croatia were counted. These figures correspond very well with

Raten abgezahlt werden." S. JORDAN, *Die kaiserliche Wirtschaftspolitik im Banat in 18. Jahrhundert*, München 1967, p. 90.

[8] See table in Appendix!

[9] "Parasztok. Ebbe a' Rubrikába valok mind azok, valakiknak vagy maguk Saját, vagy pedig annyi 'Arendás Földjök vagyon, hogy ök egy egész, három fertály, fél avagy egy fertály Séssioju Parasztot, avagy Jobbágyot tésznek, avagy némely Tartományok szokása szerént, Szölö-Mívesek, vagy Kapások." Instruktzio, G. THIRRING, *Magyarország népessége*, cit., p. 156; "Bauern. Unter diese Rubrique gehören alle jene, welche mit eigener oder gepachteten Grundstücken in solcher Maaß versehen sind, daß sie einen ganzen, dreiviertel, halben, oder viertel Bauern, oder in einigen Landen Weingärtner oder Hauer ausmachen." Instruktion, gedruckt bey Martin Hochmeister, photocopy in A. MISKOLCZY, Á.E. VARGA, *Jozefinizmus Tündérországban, Erdély történeti demográfiájának forrásai a XVIII. század második felében*, Budapest 2013, pp. 219-247, citation pp. 238-239.

the urbarial statistics. According to the urbarial data of 1786 there were 400,703 *coloni* in Hungary (Banat included), and 55,307 *coloni* in Croatia.[10] This is in fact the peasantry having and cultivating urbarial holdings. According to the urbarial statistics of 1786 there were 153,428 urbarial holdings in Hungary, 29,924 in Banat and 34,565 in Croatia.[11] Consequently, one *colonus* had on an average 0.5 holding in Hungary, 0.40 in Banat and 0.6 in Croatia. It is much more difficult to catch the *inqulini* and *subinqulini* among the categories related to the social status in the population census. Cottagers, that are urbarialists not having a holding, namely, could follow very different occupations and thus arrive in very different categories at the *conscriptio*. Most of them, however, should be listed among the 'other productive population' and some eventually among 'craftsmen'. Because the category of 'other productive population' included many different subcategories, it is not surprising that this figure is much higher and corresponds in no way with the number of *inqulini* and *subinqulini* in the urbarial statistics.[12]

For estimating the proportion of urbarialists within the population, it is safe to say that most of the *coloni* and *inqulini* were heads of families, and consequently their number could be multiplied by 5, the average size of a family or household, thus arriving at 2,397,040 head in Hungary, 422,040 in Banat and 309,430 in Croatia, altogether at 3,128,510 head living in urbarial families. This is roughly 1/3 of the total population.[13] Since *subinquilini* are certainly unable to maintain a family and are usually living and working in a peasant's household, and thus already included in the average household size, their number, altogether 38,258 head, is in this sense negligible.

This result, the rather low proportion of urbarialists within the population, could be surprising, since it differs very much from the common view of Hungary's society in the 18th century. It is true that urban population, including crafts and industries as well as traders and professionals, was a relatively minor group while nobility had an unusually high proportion, altogether forming about 10% of the population while agrarian population ran to 90% approximately. However, not the entire agrarian population lived in urbarial bondage, and not all of the peasants in Hungary were urbarial peasants. At least half of the agrarian population was free of urbarial bondage. This statement is supported by statistical evidence, too. For instance, at the *conscriptio* none of the 48,291 Christian males were enlisted as 'peasant' in the autonomous district of Jász Kunság (Jazygia and Cumania). Also in

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[10] See table in Appendix!

[11] See table in Appendix!

[12] 'Other productive population' ("A' Táplálásnak Statusához és az Ország foglalatosságihoz tartozók") included married men not yet assigned to the previous categories (e.g. "Házi-lakók, Kerti-lakók, Vintzellérek, Napszámosok" etc.), widowers with children, officials and servants of landlords (expect livery-servants, "a' kik Libériát viselnek"), other occupations like miners, shippers, roadbuilders, woodcutters and –transporters, everyone older than 40, and everyone under 40 but very small or disabled, as well as sons of *honoratiores* and of non-Catholic clergy. Instruktzio, G. THIRRING, *Magyarország népessége*, cit., p. 156.

[13] In the Transdanubian counties urbarialists made, according to some calculations, ca 40-60% of total population, see *Az úrbéres birtokviszonyok Magyarországon Mária Terézia korában*, 1, *Dunántúl*, ed. I. FELHŐ, Budapest 1970, p. 27.

the privileged free royal towns no or only a few Christian males came in the category of 'peasant' – e.g. 1 in Buda and Komárom, 2 in Trencsén (today Trenčin in Slovakia), 3 in Zágráb (today Zagreb in Croatia) and Körös (today Križevci in Croatia) – while these towns had a considerable agrarian activity. In the autonomous district of Hajdúság (Hajduk towns), obviously an important agrarian region of the Great Hungarian Plain, were only 315 of the 14,464 Christian males 'peasants'.[14] Not only in the privileged, autonomous districts but in many communities of several counties were no 'peasants' registered.[15] A big part of the population lived in agrarian towns (*oppidum*) paying a yearly fix sum to their landlord instead of serving. Free royal towns and autonomous districts had specific privileges putting them exclusively under the King's authority. Peasants in Jazygia and Cumania redeemed themselves in 1745 and thus a *redemptus* here meant a free farmer. There were several possibilities to surpass the edge of freedom. Landlords often gave freedom to their most loyal urbarialists; many became even simple nobles by getting a letter of ennoblement (*armalis*). It is also very probable that *subinquilini* and *inquilini* loosened step by step their urbarial bondage becoming the landlord's armed personal, servants or free labourer. In similar ways, released urbarialists could supply the ranks of the clergy, burghers and professionals or craftsmen. In an inverse process, decline and impoverishment could place many of the nobles in the same ranks, or force them to become simple but free farmers. Noblemen, who had only left some small parcels of land and their family seat, the *curia* and thus called *curialis*, form a well-known group of Hungary's society.

ECONOMY

A landlord's estate typically included urbarial land, distributed in holdings among the *coloni* and *inqulini*, allodial land under the supervision of the landlord, grazing-ground, forests, waters and wetland, as well as waste land. Only urbarial land and a part of allodial land were cultivated, most of the other parts remained in their natural state and were eventually used without any efforts of cultivation. The right to use these parts was an important benefit of urbarialists. They were allowed to collect reed and timber as well as firewood, fruits, berries, mushrooms and any other kind of utilities, to fish in the waters, to feed their pigs in autumn forests, to keep unlimitedly their horses, cattle and sheep on the grazing-ground. These possibilities guaranteed a considerable income of the urbarial households. Though its importance is hard to estimate and it depended very much on local circumstances, this kind of natural economy could deeply modify the land-based distribution of wealth in urbarial society. A landless *inquilinus*, for instance, could

[14] G. THIRRING, *Magyarország népessége*, cit., pp. 132-137.

[15] No 'peasants' are registered, for instance, in 95 communities of 175 in county Fejér, in 88 comunities of 317 in county Pozsony, in 61 communities of 147 in county Zólyom, in 20 communities of 313 in county Somogy, in 18 communities of 348 in county Baranya, and in 11 communities of 46 in county Veszprém, etc, see *Pótlás az első magyarországi népszámláláshoz 1786-87*, Budapest 1975, passim. See also *Az első magyarországi népszámlálás (1784-1787)*, D. DÁNYI, Z. DÁVID eds., Budapest 1960; and *II. József népszamlálásának községi adatai*, ed. D. DÁNYI, Budapest 1996.

become one of the richest member of his village by keeping large herds on the common grazing-ground or by entering the 'wood business'. However, important changes took place in this regard in the second half of the 18th century. Landlords, motivated, on the one hand, by modern agrarian theories and literature partly imported from Britain and France, and forced, on the other hand, by raising competition over the resources, started to apply stricter control over the use of waters, forests and grazing-grounds. The latter were divided between landlords and urbarialists as well as between the herds of different species, leaving smaller and less fertile parts for the urbarialists. Forests were taken under the exclusive control of landlords, who issued strict forest regulations, and did not allow free access, but for payments, or left only small parts to the urbarialists. Waters and wetland underwent a similar, though slower, process.

Since population pressure was too low at the beginning of the 18th century, allodial land was not at all or only in smaller parts cultivated. By raising population, peasants were eager to extend cultivation by the landlord's permission. Abandoned parcels came again under the plough, and still untouched pieces of land were cleared and became step by step cultivated parcels. This needed a considerable investment of labour, animal power and time. Parcels gained by such industrious efforts, and consequently called *industrialis* land, were not classified as urbarial land, but remained allodial land used by the urbarialists who paid rent for it to the landlord.

18th century Hungary is often placed under the label of 'second serfdom' a term coined by Friedrich Engels and favoured by scholars under communist rule. This term served after all to establish and legitimate on the basis of century-long historical processes deep socio-economic differences between West and East in Europe divided by the Iron Curtain. The stronger personal bondage of agrarian workers deprived of land (*Bauernlegen*) and consequently forced to take part in the landlord's market-oriented demesne production is certainly widespread east of the river Elbe, as stated by Engels. Hungary, however, is far to the South of this region and had much different circumstances. Similarly to big plantations ran by slave labour, 'second serfdom' labour force based big demesne production was driven by very favourable market possibilities and easy access to the World market. This was the case in East-German territories, Poland and Lithuania where north of the Carpathian Mountains, the borders of Hungary, all rivers offered cheap and safe waterways to the Baltic Sea and thus sea trade connection to any part of the World. Hungary had and still has nice rivers, Danube, Tisza and Drava to name the greatest, all running, at least concerning trade, in the wrong direction. Before the start of a regular steamboat service on the Danube, following the establishment of the *Erste Donaudampfschifffahrtsgesellschaft* in 1829, it was even difficult to reach Austrian and South-German markets, and before the opening of the Fiume railway line in the 1870s Hungary had no direct access to sea trade. Marketing possibilities were unfavourable; landlords had very limited access to bigger markets and no access at all to the World market.

The tariff system of 1754 (though under permanent reform and discussions in the next decades)[16] canalized trade of Hungary towards the Habsburg hereditary lands. Contemporary statistical data allow, even if with some uncertainity, an outline of the structure of exports from Hungary.[17] In 1789, or better in 1782, the value of exports from Hungary, Gallicia and Tyrol to the Austrian-Bohemian hereditary lands was in total 13,964,222 *floreni* (Fl.), of which nearly 84% (11,720,886 Fl.) was the value of goods exported from Hungary. Among the most valuable goods live animals (cattle, sheep, swines and horses) dominated clearly with more than 44% of the total value (of which Hungary provided more than 35%). Grain ranked on the second place even though its value reached less than 16% while flour of wheat and rye added only some 2.7% and consequently grain products remained clearly bellow 20% of the exported value. Wool, silk, animal skins and furs together with some manufactured textiles had a similar importance while the share of the famous Hungarian wines was less than 2.3% not much higher than the 2.1% share of tobacco. Certainly, this structure of exports derived of low population pressure and difficulties of communication. Production covered easily much higher demand but, with very limited access to markets, the country's wealth remained 'inactive', as Count János Szapáry, a contemporary trade expert formulated.[18] Only landlords in the western regions of Hungary, with easier access to the Austrian-Bohemian markets, could hope of selling their products regurarly with profits. Prince Esterházy was one of the best situated landlords, able to double his estates income between 1750 and 1780 by profiting of Vienna's growing demand for grain. This was a powerful, though regional and unsteady, incentive for market oriented farming. Sometime, on the one hand, Prince Esterházy and other landlords of the region withheld their grain from the market because of too low prices. Esterházy estates less favourable situated, on the other hand, had only limited profits, or none at all while their products of several years remained without any use in storage.[19] Similarly, the Count Zichy family marketed only 26-31% and stored 50-61% of the finest wheat collected on the Óbuda estate in the closest

[16] H.P. LIEBEL, *Free Trade and Protectionism under Maria Theresa and Joseph II*, in "Canadian Journal of History", 14, 1979, 3, pp. 355-373.

[17] *Haupt Bilance Der von den Deutschen Erbländern in Hungarn, Gallicien und Tyrol und von diesen in die erstere im Jahre 1789 erwiesenen Ein- und Ausfuhr* in NATIONAL ARCHIVES OF HUNGARY (MAGYAR ORSZÁGOS LEVÉLTÁR), Section E 554, 8. doboz, Fol. Lat. 918, 73-74; the correct date is probably 1782, see A. SZÁNTAY, *Adatok a 18. századi Habsburg Monarchia pénzügyeiről*, in "Századok", 144, 2011, 4, pp. 804-812.

[18] J.V. SZAPARY, *Der unthätige Reichthum Hungarns, wie zu gebrauchen, Mit einer kurzen historisch-phisikalischen Beschreibung der Oesterreichischen und Hungarischen Seeküste*, Nürnberg 1784, this essay contains several examples of low demand and obstacles of transportation, for instance, grain had to be transported on pack horses accross the mountains separating the Adriatic coast from the plain regions despite several government efforts under Emperor Charles VI (King Charles III) and Joseph II for facilitating transports towards the sea coast by road constructions and navigable rivers.

[19] R. GATES-COON, *The Landed Estates of the Esterházy Princes, Hungary during the Reforms of Maria Theresia and Joseph II*, Baltimore 1994, pp. 85-114, and especially pp. 89-90, the examples are from 1769 and 1777.

neighbourhood of Buda and Pest, the most populated centre of the country.[20] Also in this neighbourhood, East of the Danube, the Gödöllő and Hatvan estates of the Count Grassalkovich family sold bigger, though ever fluctuating, quantities of grain, wine, beer, liquor (*pálinka*) and wood in the second half of the 18th century, and produced growing revenues in cash. However, direct cash income for redeemed urbarial services and rented land, primarily vast pastures (*preadia*), made approximately half of these revenues while sales from demesne (*allodial*) production brought the other half at very high expenses, diminishing the net income to 45-69% of the revenues.[21] Also the structure of land-use speaks of small need for expanding cultivation. Further to the North, on the estates of the Bishopric of Vác still in 1811 approximately half of the land was cultivated in more or less intensive way (5% vine yard, 36% plough-land and 8% meadow) while the other half was uncultivated, though useful, natural land (31% woodland, 15% grazing-ground and 5% used in other ways).[22] Bigger estates, however, were able to undergo improvements at the end of the century. Grain trade and exports increased after 1800 due to considerable changes in demand, production and transportation, reaching ca 0.5 Million tons of grain transported on waterways towards Vienna and the Adriatic coast by mid 19th century.[23]

Thus, in 18th century World market was no driving force for establishing big demesne production. Under such circumstances landlords were hardly interested to overturn traditional socio-economic relations to their peasants, undertake costs and difficulties of organization, control and technological change. Hungary, however, was not uniform in this sense, and depending on local market possibilities, available labour force, size of the estate and attitudes of the landlord many variants of demesne production can be observed. Firstly, it is possible that allodial land was not cultivated at all, though probably used as meadow, grazing-ground or forest. Secondly, allodial land could be rented in bigger parts for cattle and sheep herders or rented in smaller pieces for cultivation to peasants who were short of land as population grew. Thirdly, allodial land could be used partly for demesne production if marketing possibilities were more favourable and sufficient labour force, mostly wage labour, was available. This was the case at the western borders where demand from Vienna, Lower Austria and Styria could be met, eventually around bigger towns, like Pest and Buda, and in areas of permanent military supply. Seldom was allodial land entirely utilized for demesne production, and never were peasants expelled from their holdings and consequently never was urbarial land incorporated in demesne production.

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[20] É.L. GÁL, *Az óbudai uradalom a Zichyek földesurasága alatt 1659-1766*, Budapest 1988, p. 186, accounts of 1762 and 1764.

[21] I. WELLMANN, *A gödöllői Grassalkovics-uradaloim gazdálkodása, különös tekintettel az 1770-1815. esztendőkre*, Budapest 1933, pp. 178-186, Tables 7-8.

[22] K. DÓKA, *Egyházi birtokok Magyarországon a 18-19. században*, Budapest 1997, p. 231.

[23] J. GLÓSZ, *A gabonakereskedelem útjai és volumene Magyarországon a 19. század első felében*, in *Agrártörténeti Szemle* 51 (2010) Nr. 1-4, pp. 83-103, data on p. 98 are in 'barrels of Pozsony' (pozsonyi mérő, Preßburger Metzen,) which equals ca 62.5 kg; yearly grain transports on waterways are estimated towards the Adriatic coast 1.7 Million barrels in 1830, towards Vienna 5 Million barrels in 1846 and 6.3 Million barrels in 1858.

In most cases, landlords, especially of smaller estates, contented themselves with the services of their urbarialists which covered the necessities of the landlord's household, and what could not be used up, could be stored for harder times or marketed, too. In case, the landlord needed money instead of services in kind, for instance if he could not use up all the peasants' obligations for not having a bigger household or if he absented himself from his estates for entering in an administrative office and enjoying town life, urbarial services were partly or entirely converted into rents. Landlords, however, easily reconverted rents into services in kind if it seemed to be more favourable, for instance in case of inflation, when prizes of grain and other victuals raised or they had to maintain again a bigger household. At this issue, peasants had adversive interests. In most cases they favoured services in kind for having the possibility to spar costs and workforce or for being short of money. However, in case of good market possibilities and at higher prizes of grain and labour they favoured rents to services in kind.

Urbarial land extended over a rather small portion of the country's total surface, being ca. 13.5% in Hungary, 21.5% in Banat and 12.2% in Croatia. Cleared land in use of the urbarialists added some 1%, leaving still enough space for non-urbarialists and allodial land as well as for untouched nature.[24]

Urbarial land was distributed in holdings among urbarialists. An urbarial holding (*sessio*) included house ground, plough-land and meadow. The number of holdings within an estate was more or less fixed by tradition, and thus holdings abandoned in war times were continuously kept counted as deserted ones (*deserta*). These holdings, however, were easily filled in with peasants as population increased. If necessary, new holdings were created for settlers, and thus urbarial land was extended at the expense of allodial land. In several cases non-urbarialists, e.g. those who became free or poor noblemen, occupied urbarial holdings. In such cases, urbarial services, attached to the holding, had to be rendered to the landlord without entering in his personal bondage.

Urbarial status was a hereditament, consequently urbarial peasants and their heirs had lifetime right to use their holdings, and no urbarialist could be expelled and sent away unless he did not fulfil his obligations properly. Thus, an urbarial peasant was a life tenant, and even more, he was sure that his tenancy is passed down to his heirs forever and ever. Under certain circumstances he could even exit his tenancy and move away, and in such cases he could eventually sell his tenancy rights or get paid for major improvements he made in the holding. Thus, an urbarial peasant was a quasi-owner of his holding for his rights to his holding were much more similar to ownership than to tenancy.

Land was usually cultivated in two-field system while population change caused a slow shift to three-field system during the century. Grain (wheat and rye) production as well as cattle and sheep herding dominated. Vine production had traditionally considerable importance. Crop-rotation system and other intensive technologies were rarely observable because of the low population pressure. Slow

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[24] G. THIRRING, *Magyarország népessége*, cit., pp. 118-119 gave following numbers for the total area in 1787: Hungary 190 255 km^2, Banat 17 836 km^2, Croatia 19 255 km^2, Transylvania 60 703 km^2, in total 288 049 km^2. For calculations in acres: 1 km^2 equals 231,69 Hungarian acres.

changes in technology, however, occurred during the 18th century. Some new crops, like maize and potato, as well as some improvements in livestock were introduced. The state and the most 'enlightened' landlords played an important role in technological change by experimenting, financing and showing best practices. For instance the state, especially under Joseph II, helped to introduce potato and silk production, while Count Ferenc Széchényi (father of the 'Greatest Hungarian' István Széchenyi) experimented with Italian sweet chestnut (*marroni*) on his Transdanubian estates.

Institutional change

Urbarial bondage was no private matter of landlords and their subjects. The state intervened in this relationship with laws and set some standard norms. King Louis I 'The Great' decreed in 1351 (Article VI) that each *colonus* has to give 1/10 of his products to his landlord.[25] This, being the ninth 1/10, was called 'ninth' (*nona*). Several acts ensured that urbarialists could move away freely, e.g. in 1405 (Decretum II, Art. XIV) in 1471 (Art. XVI), in 1547 (Art. XXVI-XXVII), in 1556 (Art. XXVII-XXXIII) and also in 1723 (Art. LXI) while in 1608 (Art. XIII after Coronation) the counties were obliged to formulate the rules of the move (*ablicentiatio*) in the local statutes.[26] In 1514, after the Peasants' War led by György Székely alias Dózsa,[27] harsh and comprehensive regulations were enacted (Art. XV-XXXI) and also formulated in detail by István Werbőczy in his *Tripartitum* (especially Part III, Art. 25), the corpus of customary law, which, never enacted though, served as legal norm into the 19th century.[28] The 18th century brought the most complete intervention in the urbarial relationships. In 1723 an important institution of modern public administration was established, the Royal Lieutenancy Council (*Consilium Regium Locumtenentiale*) which could control and intervene in urbarial issues. The Archives of the Lieutenancy Council are still guarding the most important sources of urbarial history.[29] A massive corpus of these papers was produced following the urbarial regulation decreed by Queen Maria Theresia in December 1766.[30] First issued for some Transdanubian parts of the country (Counties Vas, Zala, Sopron, Somogy, Tolna and Baranya) which were hit by

[25] All acts in official Latin (before 1836) and in Hungarian in *Corpus Juris Hungarici, Magyar Törvénytár, 1000-1895, 1896-1948, Milleneumi emlékkiadás*, D. MÁRKUS & al. eds., 1-71, Budapest 1899-1949, only in Hungarian on-line http://www.1000ev.hu/

[26] J. VARGA, *Jobbágyrendszer a magyarországi feudalizmus kései századaiban*, Budapest 1969, pp. 15-31.

[27] Recently, the story was retold in an interesting context by A-L. BARABÁSI, *Bursts, The Hidden Pattern Behind Everythin We Do*, New York N.Y. 2010.

[28] I. WERBŐCZY, *Hármaskönyve*, ed. D. MÁRKUS, Budapest 1897.

[29] NATIONAL ARCHIVES OF HUNGARY, Section C 59 contains the papers of the *Departamentum urbariale* of the Lieutenancy Council from 1724 until 1848. I. FELHŐ, A. VÖRÖS, *A helytartótanácsi levéltár*, Budapest 1961, pp. 192-217.

[30] Most interesting sources are the questionaires peasants had to answer about their earlier services and conditions. These sources for several counties are also available in printed editions. An excellent analysis for Szabolcs county see P. TAKÁCS, *Úrbéresek vallomása Szabolcsban 1772*, Budapest 1991.

peasants' unrest in the previous years, the decree was soon extended to other parts and the urbarial regulation was accomplished by 1774. In Banat and in Croatia the same regulation took place in 1780 while in Transylvania successful opposition postponed such regulations to the 1820s.[31] Maria Theresia's *urbarium* was in fact a forced uniformization and standardization of urbarial services and resources. According to local circumstances, the optimal size of an urbarial holding was fixed, which differed from 16 to 38 acres of plough-land and from 6 to 20 acres of meadow while house ground had a uniform size of 1 acre.[32] Measured to the optimal size of a holding, each urbarialist was than categorized as full, half or quarter *colonus* according to the actual size of the urbarial land he occupied. If this was smaller than 1/8 of a holding, he was categorized as *inquilinus*. The *urbarium* of Maria Theresia fixed uniform rents and services, too. For a full urbarial holding a *colonus* had to pay yearly *census* (1 Fl. for using grazing-ground and forest), give the 'ninth' of grain, honey and lambs and also 'gift' of poultry and eggs, as well as fulfill labour services 52 days with his draught animals or 104 days hand labour, do some transportation (of firewood for instance) and help in 3 days to hunt. An *inquilinus* had to pay *census* and fulfill 18 days hand labour, while a *subinquilinus* had to serve 12 days. The urbarial rent was fixed in kind and also in money for redeeming. Uniform regulations of urbarial rent, like the enacting of the 'ninth' in the 14th century, aimed to temper landlords' competition for settlers, that is for labour force. However, the *urbarium* of Maria Theresia fixed the maximum of urbarial rent, and allowed that peasants retain their earlier, more favorable conditions. It is still difficult to give a full account of the immediate consequencies of this regulation. On longer run, however, it certainly became the standard norm for urbarial relations.

Normally, some kind of peasant defence or even *georgofilia* is set as main motivation for Maria Theresia's urbarial decree.[33] It would be interesting to study this issue on the relations of the Florentine *L'accademia dei Georgofili* (est. 1753), Toscan Grand Duke Peter Leopold and his mother Maria Theresia. The story, however, started earlier, during the Seven Years War, when the Habsburg Viennese Court had to strengthen all central power for the defence of the Monarchy, while particular interests, the strongest among them the noble elites of Hungary, tried to gain again on the situation. A conflict on the urbarial issue rose between the Queen and the noble elites in the Estates' General Assembly (Parliament) held in 1764 and 1765.[34] Maria Theresia lost the battle, she never held again a General Assembly, neither her son Joseph II did. After 1765, now in coregency, both worked on the design of a strong and unified Habsburg Monarchy. In this sense, the urbarial regulation of Maria Theresia and the further steps of Joseph II aimed at the first place to secure, extend and defend the basis of state taxation, certainly with side

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[31] *Az úrbéres birtokviszonyok*, cit., p. 11; for Transylvania see J. BERLÁSZ, *Erdélyi jobbágyság – magyar gazdaság (válogatott tanulmányok)*, Budapest 2010, pp. 11-43 and 44-89.

[32] *Az úrbéres birtokviszonyok*, cit., pp. 12-13.

[33] Peasants' worsening conditions, the decreasing standard of living motivated governemental reforms and thus institutional change according J. KOMLOS, *Nutrition and Economic Development in the Eighteenth-Century Habsburg Monarchy*, Princeton N.J. 1989.

[34] D. SZABÓ, *A magyarországi urbérrendezés története Mária Terézia korában*, Budapest 1933.

effects of defending peasants and upholding them against their noble landlords. *Prosperitati publicae augenda* – as the motto of the above mentioned Florentine Academy says. The intensive work on the regulation of urbarial issues or the attempt to abolish labour services were permanently on the agenda.[35] Joseph II is especially famous for taking peasants' part as he was eager to hear their voice personally, ordered poors' advocats into judicial procedure, and issued his well known decree concerning peasants (*Bauernpatent*) which he did not revoke on his death bed. However, his most important move touching peasants and landlords was his tax reform which was prepared by the first cadastral survey in Hungary.[36] His death blocked these reforms of which not too much was accepted then by the General Assembly in 1790 and 1791, and also the efforts of the so called *Regnicolaris Deputatio urbarialis*, as well as the other eight deputations which were delegated by the Assembly, remained fruitless for longer while. Then, the Jacobin trials and executions in 1795 froze the dialogue between Vienna and Hungary.

TWENTY YEARS LATER: A DISCUSSION

In any case, reforms of Maria Theresia and Joseph II set this issue in the centre of interest and discussions. Sámuel Tessedik, the pietist pastor of Szarvas, proposed in 1784 strict village regulations for improving the conditions of the peasants in Hungary.[37] Nearly two decades later, Gergely Berzeviczy, the famous economist, nobleman and landlord in Upper Hungary, wrote in 1804 an essay which started active discussions on peasants' conditions.[38] For avoiding the long administrative procedure with censorship, Berzeviczy deposited his Latin manuscript in the library of the recently established National Museum which was open to public. Soon, a part in German and the full Latin text was published.[39] Berzeviczy gave a lenghty description of peasants's social, legal and economical conditions whereas he concluded that peasants had no personal and civil rights and were totally

[35] A. SZÁNTAY, *The Abolition of Labour Services in 18th Century Hungary*, in *Land, labour and tenure: the institutional arrangements of conflict and cooperation in comparative perspective*, (Proceedings of the B2 session at the Twelfth International Economic History Congress, Madrid, August 1998), F. GALASSI et al. eds., Sevilla 1998, 65-74; A. SZÁNTAY, *The "Robot-Abolition" in Hungary under Joseph II*, in *Politics and Culture in the Age of Joseph II*, F.A.J. SZABO et al. eds., Budapest 2005, 95-107.

[36] R. ROZDOLSKI, *Die grosse Steuer- und Agrarreform Josefs II., Ein Kapitel zur österreichischen Wirtschaftsgeschichte*, Warszawa 1961; P.G.M. DICKSON, *Joseph II's Hungarian Land Survey*, in "English Historical Review", 106, 1991, pp. 611-634; A. SZÁNTAY, *Le relevé cadastral en Hongrie au temps de Joseph II*, in *De l'estime au cadastre en Europe, L'époque moderne*, ed. M. TOUZERY, Paris 2007, pp. 483-490.

[37] S. TESCHEDIK, *Der Landmann in Ungarn, was er ist, und was er seyn könnte; nebst einem Plane von einem regulirten Dorfe*, Pest 1784.

[38] D. KOSÁRY, *Bevezetés a magyar történelem forrásaiba és irodalmába*, 2, *(1711-1825)*, Budapest 1954, pp. 451-452 containes some confusing references.

[39] G. BERZEVICZY, *Bruchstücke aus einem ungedruckten Werke über den Zustand der Bauern in Ungarn*, in "Magazin für Geschichte, Statistik und Staatsrecht der österreichischen Monarchie", 1, 1806, pp. 1-49; [G. BERZEVICZY], *De conditione et indole rusticorum in Hungaria,* [ed. J. MÁRIÁSSY], Leutschovia 1806; in Hungarian translation: G. BERZEVICZY, *A parasztnak állapotáról és természetéről Magyarországon*, in *Berzeviczy Gergely élete és művei*, ed. J. GAAL, Budapest 1902, part 2, pp. 109-182.

dependent.[40] Using modern contemporary statistical methods, Bezeviczy made a detailed account of peasants' obligations and costs. He calculated 28 Fl. 28 Kr. (of which labour services made 17 Fl. 40 Kr., 'ninth' 6 Fl., long transport 2 Fl. 30 Kr. and *census* 1 Fl.) for urbarial obligations of a full holding and underlined that not these expenses, but the further 30 Fl. for state and county taxes (*contributio* and *cassa domestica*) as well as 6 Fl. for church tax ('thenth', *decima*) together with other obligations made havy burdens for peasants.[41]

Berzeviczy's dark picture on the conditions of peasants in Hungary did not find consensus though. Sound contemporary opinions in Hungary agreed that urbarial peasants had far better conditions than serfs (*Leibeigener*) in other provinces of the Habsburg Monarchy. Count János Festetics argued carefully in this direction in his essay written probably in 1806 as immediate reaction to Berzeviczy.[42] The discussion became much more intensive in the 1810s. A summary of Berzeviczy's essay was published again in German which made his views better known in the wider public.[43] Here, Berzeviczy wrote explicitly about the subordinate status of peasants in Hungary, and he emphasized that they were overburdened with obligations, even if their obligations to the landlords were not too high.[44] Berzeviczy's essay was now emotionally attacked by the famous man of letters, Ferenc Kazinczy.[45] Berzeviczy, he wrote, depicted the peasants in Hungary as they

40 "Aus allem diesem erhellet nun, dass der ungarische Bauer eigentliche weder Personal- noch Staatsbürgerrechte hat, und dass seine Ruhe, sein Wohl von der mehr oder weniger gerechten Gesinnung seiner Oberen ganz abhängt." G. BERZEVICZY, *Bruchstücke*, cit., p. 21; IDEM, *A parasztok*, cit., p. 129.

41 IDEM, *Bruchstücke*, cit., pp. 22-27; IDEM, *A parasztok*, cit., pp. 130-133.

42 J. VON FESTETICS, *Einige Bemerkungen über das Verhältniß der Bauern in Ungarn zu ihrem Gutsherrn*, in „Belehrung und Unterhaltung für die Bewohner des österreichischen Staats", 3, 1810, 9, pp. 326-337, and reprinted J.V. FESTETICS, *Verhältniß der Bauern zu ihren Grundherren*, in *Topographisch-Statistisches Archiv des Königreichs Ungern*, ed. J.V. CSAPLOVICS, Wien 1821, 1, pp. 418-425; in Hungarian translation: J. FESTETICS, *A parasztok viszonya földesurukhoz (1806)*, in "Korall", 2005, 19-20, pp. 218-223; Festetics concluded: "Im Ganzen genommen getraue ich mir zu versichern, daß er [der Bauer] eben so gut, vielleicht besser steht, als in den übrigen Erblanden, wenn es auch schon einzelne Fälle gibt, wo er leidet, und duldet, wie es in der ganzen Welt Individuen gibt, welche Opfer der gesellschaftlichen Ordnung sind." p. 424.

43 [G. BERZEVICZY], *Über den Zustand der Bauern in Ungarn*, in "Archiv für Geographie, Historie, Staats- und Kriegskunst", 7, 1816, 99-100 (16. und 19. August), pp. 405-409, 101-102 (21. und 23. August), pp. 414-416.

44 "Was der Bauer seinem Grundherrn leistet, ist für sich selbst nicht übermäßig, wenn nur sonst der Grundherr nicht hart ist, und seine Wirthschaftsbeamte nicht zu viel Spielraum haben, die Bauern zu drücken und auszusaugen, wozu es bequemen Gelegenheit die Menge gibt. [...] Er [der Bauer] hat keine Personal- und Civilrechte, er ist sächliches Eigenthum seines Grundherrn, er hat keine eigene Repräsentation, auch keinen legalen Stand im Staate, er ist nicht amtsfähig, auch nicht fähig Güter zu besitzen;" *Ibid.*, p. 407.

45 [F. KAZINCZY], *Freymüthige Berichtigung der Abhandlung des Herrn Gregor von Berzeviczy de conditione indoleque rusticorum in Hungaria*, in: "Archiv für Geographie, Historie, Staats- und Kriegskunst", 8, 1817, 9-10, pp. 33-38; D. HUSZTI, *Kazinczy és Berzeviczy Gergely vitája a jobbágykérdésről*, in "Katolikus Szemle", 52, 1938, 6, pp. 335-346.

were slaves of Africa. This could not be true in the end. On the contrary, peasants had better conditions in Hungary than in most parts of Europe, he contended.[46]

Berzeviczy's short answer followed soon.[47] An anonym author joined the discussion on the side of Berzeviczy but was sharply criticized by Ferenc Burgerth, an active author and vice-accountant of Prince Esterházy in Kismarton (Eisenstadt today in Austria).[48]

If not in print, this issue became subject of talks and reflections. Count Ferenc Széchényi, the founder of the National Museum and Library, who also supported Teschedik's publication, wrote a manuscript on the occasion of this discussion.[49] His aim was to refute explicitly that peasants in Hungary were serfs treated like slaves. In his careful description and analysis of peasants' social, economical and legal conditions he arrived to the conclusion that peasants in Hungary were no serfs (*Leibeigener*) and had not heavier obligations towards their landlords than in other parts of Europe.[50]

Thus, the two divergent ways of presenting the conditions of peasants in Hungary were established in the early 19th centrury academic and political publications.[51] And since, these discussions between the 'pessimistic' and 'optimistic' views, so to say, did not come to rest yet.

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[46] "Der Verfasser [Berzeviczy], ein Eingeborner des Landes, ja Edelmann und Grundherr, schildert den Bauer des reichen Ungarns so dürftig und arm, und so gedrückt, daß man in Versuchung kommen muß, das Volk dieser Gedrückten, für nichts Besseres als willkührlich grausam behandelte afrikanische Sclavenhorden zu halten, und das ist der ungarische Bauer doch nicht. [...] der ungarische Bauer nicht nöthig habe, unzufriedener als die Bauern anderer Länder zu seyn, sondern daß er vielmehr sein Schicksal noch um einen guten Theil erfreulicher preisen könne." F. KAZINCZY, *Freymüthige Berichtigung*, cit., p. 33.

[47] G.V. BERZEVICZY, *Antwort auf die Berichtigung meiner Abhandlung*, in "Archiv für Geographie, Historie, Staats- und Kriegskunst", 8, 1817, 109-110, pp. 441-445.

[48] ANONYM, *Noch ein Wort eines ungarischen Edelmanns über den Zustand der Bauern in Ungarn*, in "Archiv für Geographie, Historie, Staats- und Kriegskunst", 9, 1818, 46-48, pp. 177-186, 49-50, pp. 189-196, 51, pp. 197-200; F. BURGERTH, *Freymüthige Kritik über den im Archiv für Geographie, Historie, Staats- und Kriegskunst Nr. 46-51. 1818 befindlichen Aufsatz: "Noch ein Wort eines ungarischen Edelmanns über den Zustand der Bauern in Ungarn"*, in "Hesperus", 1819, 12 (März), pp. 57-62, 13 (März), pp. 65-68, 15 (April), pp. 77-79.

[49] F. SZÉCHÉNYI, *Von dem Verhältnisse des Ungarischen Unterthans zu seinem Grundherrn*, in NATIONAL ARCHIVES OF HUNGARY, Section P 623, 93. csomó, I. köt. 12. sz. / I. csom. 4. sz., fol. 1-12.

[50] "Sicher ist es also, daß der Ungarische Bauer, weder in Rücksicht seiner Person, als Leibeigener behandelt, noch auch in Bezug auf seine Gaben und Dienste, vom Grundherrn mehr als in anderen Erbländern gedrückt oder überlastet werde" *Ibid.*, fol. 8r.

[51] See also A. VÁRI, *Sieben Bilder des ungarischen Bauern 1790-1919*, in *Das Bild des Bauern: Fremd- und Selbstwahrnehmungen vom Mittelalter bis ins 21. Jahrhundert*, D. MÜNKEL, F. UEKÖTTER eds., Göttingen 2012, pp. 245-267.

Tab. 1. **Urbarial peasants in Hungary with Banat and Croatia, 1786**

	Hungary		Banat		Croatia		Total	
	(head)	(%)	(head)	(%)	(head)	(%)	(head)	(%)
Colonus	327 562	63.54%	73 141	85.17%	55 307	88.39%	456 010	68.68%
Inquilinus	151 846	29.46%	11 267	13.12%	6 579	10.51%	169 692	25.56%
Subinquilinus	36 105	7.00%	1 470	1.71%	683	1.09%	38 258	5.76%
Total	515 513	100.00%	85 878	100.00%	62 569	100.00%	663 960	100.00%

Sources: I. WELLMANN, *A magyar mezőgazdaság a XVIII. században*, Budapest 1979, p. 70; IDEM, *A mezőgazdaság a felvilágosult abszolutizmus korában*, in *Magyarország története 1686-1790*, G. EMBER, G. HECKENAST eds., 2. köt., Budapest 1989, pp. 931-984, 958-965.

Tab. 2. **Social status of Christian male population in Hungary, 1787**

Social status	**Hungary (1787)**		**Croatia (1787)**		**Transylvania (1785/86)**		**Total**	
	(head)	**(%)**	(head)	**(%)**	(head)	**(%)**	(head)	**(%)**
Clergy	11 735	0,36%	1 528	0,46%	5 224	0,71%	18 487	0,43%
Nobility	155 519	4,80%	9 782	2,94%	32 316	4,40%	197 617	4,59%
Officials and *honoraciores*	3 792	0,12%	438	0,13%	771	0,11%	5 001	0,12%
Burghers and craftsmen	75 358	2,33%	3 996	1,20%	11 740	1,60%	91 094	2,12%
Peasants	448 972	13,86%	56 736	17,05%	129 854	17,70%	635 562	14,76%
Heirs of burghers and peasants	459 427	14,18%	58 704	17,64%	116 027	15,81%	634 158	14,73%
Other productive population	734 184	22,66%	59 086	17,76%	159 260	21,70%	952 530	22,12%
Soldiers on leave	4 654	0,14%	91	0,03%	922	0,13%	5 667	0,13%
Suited for other state purposes	185 923	5,74%	15 515	4,66%	46 387	6,32%	247 825	5,76%
1-12 years old	908 080	28,03%	101 724	30,57%	179 370	24,45%	1 189 174	27,62%
13-17 years old	252 064	7,78%	25 127	7,55%	51 877	7,07%	329 068	7,64%
Total	3 239 708	100,00%	332 727	100,00%	733 748	100,00%	4 306 183	100,00%

Source: G. THIRRING, *Magyarország népessége*, cit., p. 136.

Tab. 3. **Land used by urbarial peasants, 1786**

	Hungary		**Banat**		**Croatia**		**Total**	
	(No.)	(%)	(No.)	(%)	(No.)	(%)	(No.)	(%)
Holdings	153 428	70,70%	29 024	13.37%	34 565	15.93%	217 017	100.00%
Extension of holdings	(acres)	(%)	(acres)	(%)	(acres)	(%)	(acres)	(%)
House ground	237 348	4.01%	14 512	1.64%	28 260	5.20%	280 120	3.81%
Plough-land	4 492 868	75.85%	696 576	78.69%	371 427	68.30%	5 560 871	75.64%
Meadow	1 192 786	20.14%	174 144	19.67%	144 113	26.50%	1 511 043	20.55%
Subtotal	5 923 002	100.00%	885 232	100.00%	543 800	100.00%	7 352 034	100.00%
Extension of clearings								
Plough-land	171 602	58.37%			11 484	24.63%	183 086	53.75%
Meadow	56 722	19.29%			8 509	18.25%	65 231	19.15%
Vine-yard	65 687	22.34%			26 642	57.13%	92 329	27.10%
Subtotal	294 011	100.00%			46 635	100.00%	340 646	100.00%
Total	*6 217 013*		*885 232*		*590 435*		*7 692 680*	

Source: *Statisztikai adatok a magyar mezőgazdaság történetéhez, 1767-1867*, ed. G. BENDA, Budapest 1973, pp. 152-153, 397; for Banat calculated 0.5 acre house ground, 24 acres plough-land and 6 acres meadow per holding see S. JORDAN, *Die kaiserliche*, cit., p. 90.

Carsten Porskrog Rasmussen

Forms of Serfdom and Bondage in the Danish Monarchy

In the late 18th century the Danish king ruled not only the kingdom of Denmark but also the kingdom of Norway and the duchies of Schleswig and Holstein. This conglomerate monarchy was of no recent date. The kingdoms of Denmark and Norway had been under the same king since 1380, and Schleswig and Holstein had been added in 1460. For rather lengthy periods lordship over these latter duchies had been divided between the Danish kings and several side branches of the royal house, but gradually the king reunited the duchies under his sceptre in the course of the 18th century.

In respect to manorial structures and the status of peasants this composite monarchy displayed remarkable internal contrasts. Strikingly, the contrasts were the sharpest *within* Schleswig and Holstein rather than between the duchies on the one hand and the kingdoms on the other. Private manors and a few crown possessions in the south-east between Flensburg, Lübeck and Hamburg were classic examples of the system which German academic tradition terms *Gutsherrschaft* or 'Demesne Lordship' with large lordly demesnes farmed with the labour service or corvee of dependant peasants. Here a large proportion of the population were *leibeigen*, normally translated as 'serfs'. In the greater part of the duchies in contrast, the system fits the German model of *Grundherrschaft* or *Rentengrundherrschaft*. Here almost all land was farmed by peasants who had good property rights and were personally free. In the marshlands in the west we have yet a third system without lordship at all.[1] The marshlands aside, the rest fits well into the classic dichotomic model between the East and the West as formulated by von Knapp, Wittich and Below 1886-1900, and the eastern manors also fit into the model of 'serfdom' as the general framework of eastern Europe as it has been formulated by Anglo-Saxon scholars.[2] Only we must accept that the 'iron curtain' of Early Modern Europe seems to have been drawn right through the two duchies, not between or aside them.

Norway fits such models just as well. By the end of the Middle Ages most Norwegian peasants were tenants, but they had good property rights, demesnes were few and small, and personal bondage was unknown after the Middle Ages. In the 18th century ever more peasants became proprietors.[3] Norway thus is a good example of the *Grundherrschaft* and 'freedom' of the west.

The kingdom of Denmark proper fits less easily into a dichotomic model and traditional stereotypes. 18th century Denmark was largely if not only a country of private manors, where demesnes and corvee were important, but not as extreme as on the manors

[1] C.P. RASMUSSEN, *Ostelbische Gutsherrschaft und nordwestdeutsche Freiheit in einem Land*, in "Zeitschrift für Agrargeschichte und Agrarsoziologie", 52, 2004, 2, pp. 25-40.

[2] H. KAAK, *Die Gutsherrschaft. Theoriegeschichtliche Untersuchungen zum Agrarwesen im ostelbischen Raum*, Berlin 1991, pp. 64-92, 193-246, 299-364; M. CERMAN, *Villagers and Lords in Eastern Europe, 1300-1800*, Basingstoke 2012, pp. 1-5.

[3] J.R. MYKING, C.P. RASMUSSEN, *Scandinavia 1000-1750*, in *Rural Economy and Society in North-western Europe, 500-200. Social Relations: Property and Power*, B. VAN BAVEL, R. HOYLE eds., Turnhout 2010, pp. 287-314, 293-297, 300.

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantecinquesima settimana di studi", 14-18 aprile 2013*
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in eastern Schleswig and Holstein. Furthermore, the rural population was under a form of bondage 1733-88, and another form had existed for parts of the realm ca. 1490-1702. Danish historiography has insisted that the Danish forms of bondage were not serfdom.[4] The argument is based upon a specific comparison to the serfdom of Schleswig-Holstein, but has tended also to regard 'serfdom' as a general form of the 'east' from which Denmark was thus excluded. Non-Danish research has reacted in varying ways. One idea has been to place eastern Denmark within the area of 'demesne lordship' and 'serfdom', western Denmark outside it.[5] To most Danish researchers this seems to overstress regional differences.

Modern research stressing differences *within* Eastern Europe makes it less relevant to try to place Denmark in a binary system and more fruitful to discuss the developments in a more nuanced context. A good point of departure is Marcus Cerman's book: *Villagers and Lords in Eastern Europe, 1300-1800*. Instead of 'serfdom' he uses 'demesne lordship' as the general concept for Eastern Europe, but above all he stresses differences, nuances and complexities. He does this through a scrutiny of four sides of the landlord-tenant relationship: the forms of tenure, the extent of demesne farming and corvee, lordly jurisdiction, and mobility restrictions.[6]

The aim of this paper is to discuss the forms of bondage of Eastern Schleswig-Holstein and the kingdom of Denmark, trying to investigate the development and effects of the systems. Bondage it itself was mainly a restriction of movement, both geographically and in respect to choice of livelihood, but it shall be seen in the broader context of the manorial system, focussing upon the four aspects stressed by Cerman.

MEDIEVAL ROOTS

By 1500 contrasts both within the two political entities and between them were far less outspoken than in 1770, if we leave the marshes aside. In Schleswig-Holstein as in Denmark demesnes were rather small. Lords had a right to labour service from their subjects, which can be seen from the fact that peasants not performing service quite often paid sums of "labour money", but in the early 16th century both actual service and commutation were at low levels. Manors largely consisted of rent paying peasants – and thus in traditional German terminology they were still *Grundherrschaft*.[7]

In the other aspects, however, we can find elements which are typically associated with 'demesne lordship'. Tenural rights of peasants were neither very strong nor very weak. In the early 16th century it was legally codified that tenure in Denmark was for life, but not formally hereditary. In Eastern Schleswig and Holstein tenure at will emerged, but the timing of it is not quite clear.[8] In the greater parts of Schleswig tenural rights were like in Denmark.

It is, though, in the fields of jurisdiction and mobility restrictions we can find the strongest roots of a 'demesne lordship' or unfreedom at the earliest date. Private lords, both secular and ecclesiastic, had extensive lordship over their peasants in the Kingdom of Denmark as well as the duchies. Peasants were seen as members of an extended household of their lords in certain matters. Lords had the duty to protect their subjects physically and

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[4] E.g. B. LØGSTRUP, *Bundet til jorden. Stavnsbåndet i praksis*, Odense 1987, p. 39; J. STEENSTRUP, *Vornedskabet hos den danske Bonde*, in "Historisk Tidsskrift", 6, 1886-87, 5, pp. 339-462, 388.

[5] E.g. H. KAAK, *Die Gutsherrschaft*, cit., pp. 424-426.

[6] M. CERMAN, *Villagers and Lords*, cit.

[7] J.R. MYKING, C.P. RASMUSSEN, *Scandinavia 1000-1750*, cit., p. 294.

[8] *Ibid.*, p. 300.

legally, but also rights of authority, including the right to a number of fines when their subjects broke the law.[9]

In Schleswig-Holstein quite a number of manorial courts existed. In Denmark this was far less common. This reflects a difference in the political power of lords, but also in the geographical structure of manors. In south-eastern Schleswig-Holstein between Flensburg, Lübeck and Hamburg, noble estates were geographically rounded and consisted of one or more whole villages. In western Schleswig-Holstein, northern Schleswig and the kingdom of Denmark, peasants of crown, church and nobles lived scattered among each other. Obviously, it was easier to have manorial courts at the former kind of manors.[10]

Still, it was not on these manors that mobility restrictions can first be found, but in a part of Denmark. On the island of Sjælland and the adjacent islands of Lolland, Falster and Møn the 1490's saw the development of *vornedskab*. The linguistic root is the word *vorned* or *værned,* meaning someone who is under "protection" – i.e. lordship. The idea of lordly protection existed everywhere in the kingdom, but on the eastern islands it came to imply a bondage to the estates of a given lord. The male peasant population was in principle obliged to live and work within the estates of their lord, be it the king, an ecclesiastic institution or a lay lord, and to take over what farm the lord would assign them.[11]

Probably the *vornedskab* emerged in this part of the kingdom only because lordship here was concentrated in fewer hands than elsewhere. On the lesser islands south of Sjælland, the king was direct lord over a great proportion of peasants, on Sjælland ecclesiastic institutions dominated, and at their side stood a rather limited number of lay lords, of which quite a few held fairly large estates.[12] This more limited number of lords must have made it easier to agree upon and carry through a rule that every lord should keep his own peasants. On the other hand it must also have made this less burdensome for peasants. Most peasants in the area were the subjects of either the king or an ecclesiastical lord with vast properties, meaning that there were still quite a few possibilities within his properties. Normally the *vornedskab* would not confine the peasant to a village, but to a quite large district.

It is therefore not absolutely easy to say where development towards *Gutsherrschaft* and serfdom had come the longest way by 1520. If freedom of movement is decisive, a sort of serfdom can be said to have existed in eastern Denmark. If jurisdictional power matters the most, lords were generally strongest in eastern Schleswig-Holstein. Nowhere, however, do we by 1520 find "the full package" of lordly jurisdiction, restriction of movement, and heavy labour service.

STRENGTHENED JURISDICTION AND THE EARLY EXPANSION OF DEMESNE FARMING IN THE 16TH CENTURY

Lordly authority was further strengthened after 1520, both in Schleswig-Holstein and in Denmark. In 1523 duke Frederik of Schleswig-Holstein-Gottorf succeeded in taking over both half the duchies and the kingdom of Denmark from his nephew with the help of most of the nobility. In the following years he gave nobles further legal authority over their peasants.

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[9] J.B. NETTERSTRØM, *Øvrighederne, bønderne og fejden i Danmarks senmiddelalder*, in *Konge, kirke og samfund. De to øvrighedsmagter i dansk senmiddelalder*, A.S. ARNÓRSDÓTTIR, P. INGESMAN, B. POULSEN eds., Aarhus 2007, pp. 301-328.

[10] C.P. RASMUSSEN, *Rentegods og hovedgårdsdrift. Godsstrukturer og godsøkonomi i hertugdømmet Slesvig 1524-1770*, I-II, Aabenraa 2003, I, pp. 346-357 and 580-581.

[11] F. PEDERSEN, *Vornedskabets gennemførelse*, Odense 1984; J. STEENSTRUP, *Vornedskabet*, cit., pp. 341-345.

[12] E. ULSIG, *Danske adelsgodser i middelalderen*, Copenhagen 1968, pp. 251-80; IDEM, *Hvem ejede jorden i middelalderens Østsjælland?*, in "Historie", 2006,1, pp. 1-41.

In Schleswig-Holstein he issued the so-called 'great privilege letter' in 1524. It gave the nobility full jurisdiction over their estates. The privilege was generally formulated, but in reality manorial courts only emerged at the geographically consolidated estates, mainly in the south-east, whereas the peasants on the scattered estates in the west continued to be subject to princely courts.[13] In 1544 the duchies were divided among three sons of Frederik I. Each got a number of crown districts, but noble manors were placed under so-called joint rule. It meant that they became completely exempt from the power of local royal or princely civil servants. The only exception was the fact that peasants of the more scattered estates still belonged to the general courts of justice.

In the Kingdom as well, lords increased their legal privileges, but not in the same form. In 1523 king Frederik granted the Danish nobles the so-called 'right of neck and hand'. It meant that lords were given the full powers in relation to the execution of verdicts and collection of fines. Out of this came gradually the right and duty to police the estate and persecute offenses. Also the number of manorial courts rose, but only slowly, and still the vast majority of tenants of private manors were subjects to general courts of justice.[14]

From ca. 1570 we see the rise of demesne farming and labour service both in the kingdom and the duchies. In both territories lords started turning peasant land into demesne land, sometimes seizing lands of single holdings, at other times discontinuing whole villages, and as most field work was done as corvee, the level of this rose rather significantly. Decisive for enabling this development was neither manorial jurisdiction nor mobility movements as it happened in areas both with and without these. The crucial legal point was tenure, including the regulation – or rather the absence of it – of labour service. In Denmark tenure was for life, but the higher courts stated that the landlord could seize the holding if he repaid the peasant his entry fine and compensated for the value of buildings in regions where these belonged to peasants. In Schleswig-Holstein tenure in manorial districts came to be seen as something the lord could end at any time at will. Also the right of lords to increase labour service from the remaining peasants was legally recognized by higher courts. In reality it was under way in the 16th century, but the final codification came for Denmark in the form of a famous verdict of the supreme court, the *Retterting*, in 1608. In Schleswig, the tenure of noble peasants seems to have deteriorated even further.[15]

The expansion of demesnes and corvee was strongest in eastern Schleswig-Holstein. Already by 1600 demesnes had increased significantly, and at the same time we have the first information of manors demanding daily labour service from dependant peasants. In the kingdom neither the size of demesnes nor the level of corvee expanded as quickly. Here, corvee peasants were termed 'week day peasants' meaning at least one day of corvee pr. week.[16] The stronger development in Schleswig-Holstein may be attributed to the importance of manorial courts and the extensive lordly jurisdiction, but this seems rather improbable as royal Danish courts gave no more protection of peasants against confiscations of lands or increased labour. Instead the decisive advantage of lords in Schleswig-Holstein is more likely to have been the geographical structure of manors. As lords here had consolidated estates, it was much easier to take land from a village than in places with more property holders in the same village, and peasants living close to the demesne could more easily perform labour service. Danish landlords saw this as well and

[13] C.P. RASMUSSEN, *Rentegods og hovedgårdsdrift*, cit., I, p. 539.

[14] J.B. NETTERSTRØM, *Øvrighederne*, cit.; H. LERDAM, *Birk, lov og ret. Birkerettens historie i Danmark indtil 1600*, Copenhagen 2004, pp. 57-76.

[15] G. OLSEN, *Hovedgård og bondegård. Studier over stordriftens udvikling i Danmark i tiden 1525-1774*, Copenhagen 1957, pp. 170, 200; C.P. RASMUSSEN, *Rentegods og hovedgårdsdrift*, cit., I, pp. 159-164, 286-289, 374-388, 529-532.

[16] *Ibid.*, I, pp. 378-388, 408-409.

started a process of consolidating manors geographically.[17] But it took time to catch up – where it was at all possible.

FULL *GUTSHERRSCHAFT* AND SERFDOM IN SCHLESWIG-HOLSTEIN AND MORE RESTRICTED DEMESNE LORDSHIP IN DENMARK IN THE 17TH CENTURY

It is striking that *Gutsherrschaft* in Schleswig-Holstein came far without mobility restrictions. The rights of lords to confiscate peasant land and increase labour service were sufficient. As *Gutsherrschaft* progressed to a certain point, lords of Schleswig-Holstein increasingly wanted to tie people to the land. By turning peasant land into demesne land, lords reduced the number of peasant farms but still needed the labour. Therefore farms were obliged to keep extra farmhands and maids for corvee purposes, and lords wanted to oblige the children of both peasant farmers and cottagers to serve as such. This was not always attractive to the rural population, so people looked for opportunities elsewhere. Lords still more often complained that people left their manors, and they tried to introduce bondage, but it was of little effect as long as royal courts refused to send people back. But in 1614 the ruling princes accepted the lords' claim that the rural population of manors was tied to the land and promised to return those eloping to princely districts. This is normally seen as the birthday of serfdom in Schleswig-Holstein. Soon it became normal to term much of the rural population of the eastern manors *Leibeigen* - serfs.[18]

In principle the whole legal framework of strict demesne lordship was in place on the manors of Eastern Schleswig-Holstein by 1614: lordly jurisdiction, lordly control over tenure, and mobility restrictions. Demesne farming and corvee had developed earlier but now continued to expand for a further century. Over the next hundred years, manors in south-eastern Schleswig-Holstein continued to turn peasant land into demesne land and increase labour service from the remaining peasants.[19] In regards to the lords' right to seize land and increase corvee, the rules of tenure were decisive, but in respect to actually having the large demesnes tilled in the form of corvee, serfdom may have have been necessary in order to secure sufficient labour for the enlarged demesnes. The extreme demesne farming emerging needed a lot of labour service, which was provided by the depending peasant farmers, but largely *performed* by farmhands, maids, and cottagers. Here, the serfdom probably served to keep people at the manors.

At any rate, there is a very strong correspondence between serfdom and demesne farming based upon labour service in Schleswig-Holstein. Serfs paid no special dues, so there was no direct economic interest in maintaining serfdom where its other logics did not pertain, and serfdom tended to disappear in practice on those few manors where it theoretically existed but was not combined with heavy labour service. On the other hand it was not an absolute prerequisite for heavy labour service, but we only know of very few manors with intensive *Gutswirtschaft* and no serfdom.[20]

In the kingdom of Denmark there were no significant legal changes in the landlord-peasant relationship over most of the 17th century. The number of manorial courts rose rather slowly, and neither tenure, nor mobility restrictions changed. What did happen was a

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[17] J.V. JENSEN, *Fra fæstegodssystem til hovedgårdssystem. Det danske godssystem i senmiddelalder og renæssance*, in *Danmark i senmiddelalderen*, P. INGESMAN, J.V. JENSEN eds., Århus 1994, pp. 123-142.

[18] J. JESSEN, *Die Entstehung und Entwicklung der Gutswirtschaft in Schleswig-Holstein bis zu dem Beginn der Agrarreformen*, in "Zeitschrift der Gesellschaft für schleswig-holsteinische Geschichte", 1922, pp. 1-206, 84-85; C.P. RASMUSSEN, *Rentegods og hovedgårdsdrift*, cit., I, pp. 537-542.

[19] *Ibid.*, pp. 374-400; C.P. RASMUSSEN, *Ostelbische Gutsherrschaft*, cit.

[20] C.P. RASMUSSEN, *Rentegods og hovedgårdsdrift*, cit., I. pp. 499-502, 539-542; W. PRANGE, *Die Anfänge der grossen Agrarreformen in Schleswig-Holstein bis 1771*, Neumünster 1971, pp. 591-601.

continued expansion of demesne farming, but at a much slower pace than in Schleswig-Holstein.[21] Why this was so, is not absolutely clear, but there are several possible explanations. Firstly, the rents of Danish peasants were fixed in grain, not in money, and thus remained valuable to lords in the period of rising prices prior to ca. 1640. Secondly, the more scattered structure of manors made the development more difficult, even though the tendency was one of geographical consolidation.

Thirdly, it cannot be ruled out that the differences in legal power and mobility restrictions mattered. Within Denmark demesne farming expanded somewhat more on private manors in the area of the *vornedskab* than on manors in the 'free' west. In the east ca. 7 % of all peasant farms were seized 1525-1775 compared to 4-5 % on the island of Fyn and less than 3 % in Jutland, both regions without bondage.[22] The stronger expansion in the east may have to do with the bondage, but other explanations may be better consolidated estates and better soils, that made large scale grain growing more attractive.

In 1682 further expansion of demesnes at the expense of peasant land was simply banned by law. The absolute kingship saw peasant land as the source of both taxes and soldiers and therefore wanted to protect it. This regulation remained largely effective for the rest of the period.[23] It can be seen as in line with this intervention, that the king also lifted the *vornedskab* by law in 1702.[24] It left a system where demesnes made up 15-20 % of the land of private manors, and the labour service performed by solid family farms stayed at 150-300 days per year. Manors had considerable authority over peasants – beside the mentioned police authority they were also the collectors of taxes and conscriptors of soldiers.[25] But most manors remained under royal courts, demesne expansion had been checked, and mobility restrictions were in principle lifted in 1702, where they had been in effect. They were, however, to return 30 years later in the whole country.

By 1700 therefore private manors of Eastern Schleswig-Holstein had the whole package of 'demesne lordship': Large demesnes, heavy labour service, poor property rights, manorial courts, and mobility restrictions. On the crown districts and some private manors we have nothing of it, but rather peasant farms with no labour service, good property rights, no mobility restrictions and no manorial courts. The kingdom of Denmark stands in the middle. On its private manors demesnes and corvee were of a not insignificant but less extreme extension than on the manors in Eastern Schleswig-Holstein. Property rights were better in Denmark than on manors in Eastern Schleswig-Holstein but poorer than in the 'free' districts of the duchies. Whereas formal rules were the same nationwide in the kingdom, in reality holdings were much more likely to stay in the family in the west than on Sjaelland.[26] Mobility restrictions existed in a third of the kingdom, manorial courts on some but far from all manors. On the whole, the kingdom of Denmark was placed between the extremes seen in the duchies, but quite a lot of variation was found.

EFFECTS OF *VORNEDSKAB* AND *LEIBEIGENSCHAFT*

So far the paper has discussed the whole complex of 'demesne lordship' for Denmark and Schleswig-Holstein. In the last part it shall look more closely at the workings of the

[21] G. OLSEN, *Hovedgård og bondegård*, cit., pp. 171-175.

[22] *Ibid.*, p. 172.

[23] *Ibid.*, pp. 118-135.

[24] B. LØGSTRUP, *Bundet til jorden*, cit., p. 21.

[25] IDEM, *Den bortforpagtede statsmagt. Godsejeren som offentlig administrator i det 18. Århundrede*, in "Bol og by. Landbohistorisk tidsskrift", 1985, 1, pp. 21-58.

[26] F. SKRUBBELTRANG, *Det danske landbosamfund 1500-1800,* Copenhagen 1978, pp. 214-228.

restrictions of mobility – and other parts of life – which *Leibeigenschaft* and *vornedskab* implied – i.e. at the 'unfreedom' itself.

For Schleswig-Holstein we have a close analysis from the very end of the age of *Leibeigenschaft.* In the 1790's serfdom was under political attack in Schleswig-Holstein. The nobles then had the jurist L.A.G. Schrader write a text discussing it. In this he defines its functions, as he saw them at the eve of the reform laws that ended the system. Firstly, serfdom meant a lifelong bondage to the estate. Obviously peasants could go to church, inn, or town outside the manor, but they could not without the consent of their lord seek employment or marry outside the manor. The heart of the system was an obligation for the young people of the manor to work as farmhand or maid on the peasant farms or demesnes of the manor. The young people could not seek other employment or marry without the consent of the lord. On the other hand it was expected that the lord at some given time would give this consent, and the married couple become tenant farmers or cottagers. And in old age or sickness, the lord had an obligation to secure a livelihood.

Some idea of the working of the system can be seen from the manor of Gelting east of Flensburg around 1770. It then comprised two demesnes, 25 tenant farms and ca. 40 cottages. All farmers and most cottagers were serfs, and from the late teenage years their children became farmhands and maids at the tenant farms or – in this case very rarely – the demesnes. But in the late 20's almost everybody married and became farmers (in ca. 40 % of the cases) or cottagers. As cottagers they would earn their livelihood from a mixture of plots of land, paid work for the manor, or day labour for peasant farmers. In a few cases men continued to work as a farmhand at another farm, but nonetheless had a family and household of his own. Unmarried farmhands and maids over 30 were hardly to be found. And almost all farmers, cottagers with labour obligations, and farmhands and maids at the peasant farms came from the serf population of the manor itself. There was a minimal exchange of labour with other manors.[27]

This can be compared to the system of the "free" districts adjacent. They contained the same basic social division into farmers, cottagers, and unmarried maids and farmhands, and largely the system worked in the same way: In their late teenage years most people became farmhands and maids and continued as such till they married close to the age of thirty and became farmers or cottagers. Clearly farmers in the free districts had better terms than serf farmers, but the class of farmers was closed, as farms had become hereditary. Most went to a son, and if the farm went to a daughter, her husband would almost inevitably be a farmer's son himself. The attractive class of farmers was not open to cottagers' sons or outsiders without money.[28]

Seen with the eyes of the rural poor, the evidence at hand suggests two main differences. On the one hand serfdom clearly limited the choice. Young people could only seek employment at a limited number of farms in the neighbourhood, and from these farms they would have to perform labour service under a bailiff. Hard bailiffs are mentioned in the sources as a push-factor that made farmhands elope. A pull-factor was the possibility to do better elsewhere.[29] The possibility for social advancement in the free districts were not particularly good, but it was common to seek employment over a larger area than just the village or parish, and some tried their luck in the marshes, in towns, at sea or otherwise.

It seems, however, that serfdom not only offered fewer chances but also fewer risks. In some free districts, which I have studied, people were more likely to remain unmarried farm hands and maids into their thirties or even forties, while the controlled world of manors

[27] C.P. RASMUSSEN, *Det sønderjyske landbrugs historie 1544-1830*, Aabenraa 2013, pp. 316-320.

[28] *Ibid*, pp. 202-211.

[29] C.P. RASMUSSEN, *Rentegods og hovedgårdsdrift*, cit., pp. 544-545.

seems to have offered a possibility to marry on a certain modest livelihood.[30] And the census of 1803 lists the greatest number of 'poor' in those areas known to be most "free" – particularly the marshes.[31]

Of course serfdom was never fully effective. In the list of serfs from Gelting from 1769 three persons are listed as missing without permission.[32] The sources are full of such references to runaway serfs – in lists from manors and in letters to public authorities. This should not lead to the conclusion that serfdom was of no consequence. After all the number of people listed as missing is relatively low, and quite a lot was done to bring them back. In fact the very lists and complaints, where we meet the elopers, are part of such a process. From Gelting two young farmhads eloped in 1749 and headed for the marshes, some 50 kilometres away. The estate did a lot to catch them and one was rather quickly caught. The other was not, but as he tried to enlist for the army later, authorities handed him over to the manor.[33] A runaway serf could work as a day labourer in the marshes, go to sea or abroad, but not work or take over a holding anywhere near home – at least not without running a severe risk of being spotted and sent back.

Strikingly, the Gelting cases of elopees concern male serfs, and that is a general tendency for cases known in literature, including liberation charters. One explanation may be that men were more inclined to elope, another that landlords were more keen at policing serfdom for men than for women as the former were more important for farm work. In the Gelting poll tax register from 1769 the total number of female serfs above the age of 12 was ca. 10 % higher than that of male serfs, and the difference is particularly marked for people in their twenties (43 women, 31 men), whereas the number of male serfs in the age of 13-19 surpassed that of female (27 to 20) and the gender proportion was even for those under 12.[34] The figures are hardly conclusive but could give some support to the theory that men were more inclined to run away than women.

The *vornedskab* in principle comprised fewer regulations. The heart of it was an obligation for male peasants to stay within the estate where they were born and to take over whatever farm the lord might assign them. It originated in a situation where land was more abundant than labour and it remained mainly a system of regulating the recruiting of farmers rather than farmhands. Landlords could transfer their lordship over a peasant to another lord or give the peasant leave to go where he wanted, in both cases mostly against economic compensation.[35]

Vornedskab thus to a degree treated young male peasants as a resource which the landlord could use to have his own tenant farms farmed or sell to another landlord – or he could sell the right of disposal to the peasant himself in the form of charters of liberty. The effeciency is unclear. From the late 17th century we have many cases of landlords reclaiming eloped peasants, at times in great numbers. It indicates that the system was not efficient, but on the other hand landlords at least tried to police it and quite a few peasants were sent back. An indication that peasants saw the *vornedskab* as a reality can be derrived from the fact that quite a number were willing to pay handsome sums for charters of liberty.[36]

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30 C.P. RASMUSSEN, *Det sønderjyske landbrugs historie,* cit., p. 208.

31 *Ibid,* p. 491.

32 *Ibid,* cit., p. 323-324.

33 W. PRANGE, *Flucht aus der Leibeigenschaft,* in *Das recht der kleinen Leute,* K. KÖSTLIN, K.-D. SIEVERS eds., Berlin 1976, pp. 166-178.

34 LANDESARCHIV SCHLESWIG-HOLSTEIN, *Abteilung 195 Gut Gelting,* 692, poll tax register may 1769.

35 J. STEENSTRUP, *Vornedskabet,* cit., pp. 410-431.

36 T. MUNCH, *Vornedskabet under den tidlige enevælde,* in "Historie", 11, 1974, pp. 289-308.

THE *STAVNSBÅND*

The lifting of the *vornedskab* in 1702 was the end of the major form of bondage in the kingdom of Denmark. In the ensuing decades a number of regulations tended to give peasant farmers ever more limited rights to leave the farm and to give the lords still greater possibilities of forcing a strong farmhand with some savings to take over a neglected farm, just as the *vornedskab* had ensured. As landlords were obliged to present farmhands for the army, the movements of these was also gradually restricted.[37] In 1733 the movements of farmhands were generally restricted by the introduction of the *stavnsbånd,* tying all male members of peasant households from the age of 14 to 36 to their estates. The formal argument was the need of the army, but in reality also the claims of landlords of a shortage of farmhands was taken into consideration. The span of age covered was later expanded to 4-40.[38]

Women were never included in the *stavnsbånd*, as the justification for the system remained military needs. Landlords repeatedly asked for a *stavnsbånd* for the women as well – but in vain.[39] Even though we have earlier seen that most of the policing effort in Schleswig-Holstein concerned men, Danish landlords must have seen the gender limitation of the *stavnsbånd* as a difference of some consequence, but the government did not find it necessary to do something about it.

For men the *stavnsbånd* comprised quite a few similarities to the workings of the *Leibeigenschaft.* Sons of wealthy farmers could buy their liberty, but in principle this was possible in Schleswig-Holstein as well – though it was probably less common.[40] On the other hand, landlords tried to police the *stavnsbånd* against unpermitted leave, even at great distances. At count Moltke's estates on the island of Fyn the estate manager had discovered how a farmhand after years of military service had taken over a farm on another estate in another province – and asked if something should be bone. Another farmhand had eloped to the island of Lolland – rather far away and across the sea – but was nonetheless sent back by a Lolland landlord.[41] Also here, the system was never effective. Landlords repeatedly complained about eloping men and at least in periods the problem seems to have been rather widespread. Also here, though, most who ran away, went rather far – often to Schleswig-Holstein or Copenhagen. Also here the system was undoubtedly most effective in regulating movements within each region rather that those at longer distances.[42]

As for the choices of a young man, they were firstly limited to the geography of his estate, but landlords went further. They tried hard to get strong and energetic young men to take over neglected farms, and they had a number of means of putting pressure upon the unwilling – including the right to select him for the militia.[43] Directly the so-called *Gesindezwang* of Schleswig-Holstein did not exist. Nonetheless landlords and their bailiffs intervened. From the vast estates of count Moltke we know of a case of a young man wanting to be a tailor. The estate steward opposed it and demanded that he should be a farmhand claiming that there were too few farmhands and too many tailors within the

[37] J. HOLMGAARD, … *uden at landet beværes. Studier over Frederik 4.s landmilits med særligt henblik på spørgsmålet om stavnsbånd og bønderkarlenes vilkår i øvrigt,* Viborg 1999.

[38] B. LØGSTRUP, *Bundet til jorden,* cit., pp. 34-42.

[39] F. SKRUBBELTRANG, *Det danske landbosamfund,* cit., pp. 254-255.

[40] B. LØGSTRUP, *Bundet til jorden,* cit., pp. 142-166.

[41] C.P. RASMUSSEN, *Godsejer og reformator,* in KNUD J.V. JESPERSEN et al., *Moltke. Rigets mægtigste mand,* Copenhagen 2010, pp. 150-211, 180-181.

[42] B. LØGSTRUP, *Bundet til jorden,* cit., pp. 167-186.

[43] *Ibid.*, pp. 46-61.

borders of the manor. In another case a young boy tried to sail away in a tiny boat, unhappy with the service in which he was.[44]

CONCLUSION

The cases of Schleswig-Holstein and Denmark may serve as a double warning against oversimplified dichotomies on the one hand and total relativism on the other. In 18th century Schleswig-Holstein we find ideal-typical examples of demesne lordship and serfdom on the one hand and *Grundherrschaft* on the other as these were defined by older historiography. The differences are sharp and they mattered. To a young farmhand, the son of cottagers, there are many similarities in conditions and possibilities under the two systems, but also some important differences, and there were differences in the social structure of the two societies. In the kingdom of Denmark things were far less ideal-typical. The size of demesnes, the height of labour service, and the security of tenure lay between extremes and furthermore varied from region to region and manor to manor. Manorial courts were unevenly distributed, and bondage existed in part of the country for a long period and the whole country for a somewhat shorter.

Denmark did take part of that development towards demesne farming and labour service that occurred over most of Central and Eastern Europe in the early modern period, and even though the *stavnsbånd* was introduced late and with other arguments, it did have some of the same effects as Schleswig-Holstein *Leibeigenschaft* because it was also attached to a system with demesnes and corvee. The fact that things were far less extreme and ideal-typical in Denmark than in eastern Schleswig-Holstein is not particularly strange as modern research stresses such variations within the broad framework of the *demesne lordship.* According to recent research the purity of the models of Schleswig-Holstein is at least as surprising.

[44] C.P. RASMUSSEN, *Godsejer og reformator*, cit., p. 181.

Marten Seppel

The Growth of the State and its Consequences on the Structure of Serfdom in the Baltic Provinces, 1550-1750[1]

The early modern period in Central and Eastern Europe witnessed two very contrasting developments at the same time. On the one hand, the landlords pursued all-encompassing authority within their manors (*Gutsherrschaft*). On the other hand, the East-Elbian region was affected by the consolidation of the state as it took place in Western and Northern Europe.[2] The older literature stressed the delayed emergence of modern territorial states in East-Elbia and their comparative weakness when they did emerge. Accordingly, the possibility of early intervention by the state in the relationship between the nobility and the peasantry was considered minimal.[3] However, it has also been argued that one of the main distinguishing features between medieval serfdom and early modern serfdom in Europe was the role of the government in the rise and fall of as well as controlling and retaining serf relations.[4] The serf's relationship with the state (because of the crown's fiscal and military dependency upon the serf population) has been named as one of the main conceptual factors that distinguished the serf from the condition of slavery.[5]

In the more recent literature Sheilagh Ogilvie has shown at the micro level how the everyday life of the Bohemian peasantry in the late 16th century and in the 17th century was influenced by the state taxes, militarisation, economic regulation, confessionalisation and social disciplining.[6] According to Jan Klußmann in his account of eastern Schleswig-Holstein, the presence of the territorial prince could especially be felt in the compulsory enlistment of the peasants in military service in the 18th century, and in the growth of the court practice of taking notice of the conflicts between private landlords and peasants. Thus, in the 18th century the lords of the manor had to take into account that the peasants were not without judicial rights. The state took a keen interest also in the issues of church and school.[7] Boris Mironov has noted that also in Russia it is a false apprehension that the

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[2] See S. OGILVIE, *Staat und Untertanen in einer lokalen Gesellschaft. Die Herrschaft Friedland 1583-1692,* in *Untertanen, Herrschaft und Staat in Böhmen und im "Alten Reich". Sozialgeschichtliche Studien zur Frühen Neuzeit*, M. CERMAN, R. LUFT eds., München 2005, pp. 51-85, 53-54.

[3] See e.g. J.A. PERKINS, *Dualism in German Agrarian Historiography*, in "Comparative Studies in Society and History", 28, 1986, pp. 287-306, 295-296.

[4] M. BUSH, *Serfdom in Medieval and Modern Europe: a Comparison*, in *Serfdom and Slavery. Studies in Legal Bondage*, ed. M.L. BUSH, London/New York 1996, pp. 199-224, 218-220; A. KAHAN, *Notes on Serfdom in Western and Eastern Europe*, in "The Journal of Economic History", 33, 1973, pp. 86-99, 92-93, 99.

[5] E.g. I. DE MADARIAGA, *Russia in the Age of Catherine the Great*, London 1981, pp. 93-94; M. BUSH, *Serfdom*, cit., pp. 209-211.

[6] S. OGILVIE, *Staat und Untertanen*, cit., pp. 51-85.

[7] J. KLUßMANN, *Lebenswelten und Identitäten adliger Gutsuntertanen. Das Beispiel des östlichen Schleswig-Holstein im 18. Jahrhundert*, Frankfurt 2002, pp. 224-225; J. KLUßMANN, *Leibeigenschaft im frühneuzeitlichen Schleswig-Holstein: Rechtliche*

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantecinquesima settimana di studi", 14-18 aprile 2013*

fate of the peasants on a manor was totally in the hands of the landlord. In reality, the serf owner's freedom was limited by the state and the government retained the right to interfere in the serf village.[8] Juhan Kahk has similarly emphasised, especially in his later works, that the role of the state has been underestimated in the historiography and that the state intervened actively and with significant consequences in the relations between the manor and the peasants from the 17th century. According to Kahk the analysis of social relations in the Baltic provinces in the 17th to 19th century demands a 'study of the development of a complicated triangular system where the main characters and principal factors were the peasant, the landlord and the monarch (with his civil servants)'.[9]

The recent literature on serfdom and *Gutsherrschaft* (demesne lordship) has focused less on the models and more on the reality of rural life and micro-historical case studies (as in the works of W. W. Hagen or the working group at the University of Potsdam).[10] However, the existing models and concepts (like *Gutsherrschaft*, serfdom, state formation) still exist and are used in the subject literature.[11]

This paper will look at the consequences of the growth of the state's interests for the framework of serfdom and *Gutsherrschaft* in the Baltic provinces (in Livland and Estland) from the middle of the 16th century till the middle of the 18th century (until the agrarian reforms). In this period the Baltic provinces belonged first to Poland (from 1561 to 1629) and Sweden (from 1561 to 1710) and then to Russia (from 1710 to 1918). The Swedish king and later the Russian emperor appointed governor-generals to the head of the provincial governments of Estland and Livland but as a rule every law or order had to be negotiated with the self-governing local nobility (*Ritterschaft*). The development of *Gutsherrschaft* and serfdom in the Baltic provinces was somewhat similar to Holstein, Mecklenburg or Swedish Pomerania.[12] In the 17th and 18th centuries the serf peasants made up over 90 per cent of the total population. All ethnic Latvians and Estonians were automatically taken for serfs although there were some individual freemen. Only ethnic Swedes, a small minority group who lived mainly on the coastal areas and the islands of the province of Estland were

Entwicklung, öffentlicher Diskurs und bäuerliche Perspektive, in *Leibeigenschaft: Bäuerliche Unfreiheit in der frühen Neuzeit*, ed. J. KLUßMANN, Köln/Weimar/Wien 2003, pp. 213-240, 236.

[8] B.N. MIRONOV, *The Social History of Imperial Russia, 1700-1917,* 1, Boulder 2000, pp. 319-320. Tracy Dennison, however, argues quite the opposite: T. DENNISON, *The Institutional Framework of Russian Serfdom*, Cambridge 2011, pp. 222-223.

[9] J. KAHK, *Bauer und Baron im Baltikum. Versuch einer historisch-phänomenologischen Studie zum Thema "Gutsherrschaft in den Ostseeprovinzen"*, Tallinn 1999, p. 98; J. KAHK, *Das Dreieck-System "Bauer-Gutsherr-Monarch" im 17.-19. Jh. im Baltikum im Lichte der Konfliktsituationen*, in "Eesti Teaduste Akadeemia Toimetised: Humanitaar- ja sotsiaalteadused", 45, 1996, pp. 75-97, 76.

[10] Cf. M. CERMAN, *Villagers and Lords in Eastern Europe, 1300-1800*, Basingstoke 2012, p. 5; J. PETERS, *Gutsherrschaftsgeschichte in historisch-anthropologischer Perspective*, in *Gutsherrschaft als soziales Modell. Vergleichende Betrachtungen zur Funktionsweise frühneuzeitlicher Agrargesellschaften*, ed. J. PETERS, München 1995 (Historische Zeitschrift, Beiheft 18), pp. 3-21, 5, 21; J. PETERS, *Gutsherrschaftsgeschichte und kein Ende. Versuch einer Auskunft zu aktuellen Ergebnissen und Schwierigkeiten in der* Forschung, in *Festschrift für Gerhard Heitz zum 75. Geburtstag*, E. MÜNCH, R. SCHATTKOWSKY, eds., Rostock 2000, pp. 53-80; E. MELTON, *Manorialism and Rural Subjection in East Central Europe, 1500-1800*, in *The Cambridge World History of Slavery*, 3, D. ELTIS, S.L. ENGERMAN eds., Cambridge 2011, pp. 297-322, 297-298; W.W. HAGEN, *Ordinary Prussians. Brandenburg Junkers and Villagers, 1500-1840,* Cambridge 2002, p. 13.

[11] For *Gutsherrschaft* see: M. CERMAN, *Agrardualismus in Europa? Geschichtsschreibung über Gutsherrschaft und ländliche Gesellschaft in Mittel- und Osteuropa*, in "Jahrbuch für Geschichte des ländlichen Raumes", 2004, pp. 12-29; C.P. RASMUSSEN, *Ostelbische Gutsherrschaft und nordwest-deutsche Freiheit in einem Land – die Güter des Herzogtums Schleswig 1524-1770*, in "Zeitschrift für Agrargeschichte und Agrarsoziologie", 52, 2004, pp. 25-40, 25; M. CERMAN, *Demesne lordship and rural society in early modern East Central and Eastern Europe: Comparative Perspectives*, in "Agricultural History Review", 59, 2011, pp. 239-258, 257.

[12] For serfdom and *Gutsherrschaft* in the Baltic provinces see e.g.: E. MELTON, *Gutsherrschaft in East Elbian Germany and Livonia, 1500-1800: A Critique of the Model*, in "Central European History", 21 1988, pp. 315-349; H. KAAK, *Die Gutsherrschaft. Theoriegeschichtliche Untersuchungen zum Agrarwesen im ostelbischen Raum,* Berlin 1991; M. CERMAN, *Villager,* cit.

regarded as personally free but their number did not exceed 10,000 people, i.e. less than 3 per cent of the rural population.

The main thesis developed here is that one cannot analyse the functioning of the early modern serf and *Gutsherrschaft* society without including the active presence of the state in manor-peasant relations. The intervention of the state did not mean only the policy of 'peasant protection' or agrarian reforms. Often the role of the state has been assessed simply by the question of whether the peasants actually benefited from the actions of the state or not, but this cannot be the only angle to evaluate *Gutsherrschaft*. Instead, the main issue discussed in the following paper is the question of the absoluteness of sovereignty of the landlord within his manor. The case of the Baltic provinces at least, shows convincingly that the different nature of the state's interests limited the landlords' power already in the 17th and 18th centuries, i.e. including during the so-called 'classic period' of *Gutsherrschaft*.[13] My focus will be only on private estates, as in the case of crown estates the freedom of action and the functions of the state administration were in any case different.

I. UNDERMINING THE JURISDICTION OF THE LANDLORD

The control of the manor over the peasants could have been total only if full judicial powers had been in the hands of the landlord. The total power of jurisdiction over the peasants by the Livonian nobility was spelled out in the privilege of Sigismund Augusti of 1561 (art. 26).[14] However, already in 1561-1562 the Swedish king and the governor of Estland addressed several protests to the nobility of Estland about the unrestricted violence of the seigniors towards their peasants on the manors.[15] The Swedish state sought the regulation of this absolute power and arbitrary jurisdiction in order to enforce 'law and court' in the country as declared by king Erik XIV.[16] The same demand was submitted by prince Karl to the diet of Livonia that gathered in Tallinn in 1601.[17] 1626 king Gustav Adolf presented a court reform plan for Estland that proposed increased state control over the courts.[18]

In the province of Livland the court system was reorganized by the Swedish administration in 1630 to 1632. With the instruction promulgated in 1632 the administration of justice in criminal cases involving the peasants was left to the competence of county courts. In case of a quarrel between two peasants where one was hurt or killed, the victim could go directly to the county court and theoretically appeal the court case to the supreme court (*Hofgericht*).[19] Similarly in the province of Estland the more serious

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[13] H. Kaak characterises the 'classic period' of *Gutsherrschaft* (until 1770), where the lords of the manor 'were absolute sovereigns on their estates': H. KAAK, *Die Gutsherrschaft*, cit., pp. 400, 437; cf. R. LEHMANN, *Die Verhältnisse der niederlausitzischen Herrschafts- und Gutsbauern in der Zeit vom Dreißigjährigen Kreige bis zu den preußischen Reformen*, Köln/Graz 1956, pp. 28, 61.

[14] E. TARVEL, *Folvark, pan i poddannyj. Agrarnye otnosheniya v polskikh vladeniyakh na territorii Juzhnoi Estonii v kontse XVI-nachale XVII veka*, Tallinn 1964, p. 239.

[15] *Quellen zu Geschichte des Untergangs livländischer Selbständigkeit*, 8, ed. C. SCHIRREN, Reval 1881, no. 1030, 1076, 1102; A. SOOM, *Der Herrenhof in Estland im 17. Jahrhundert*, Lund 1954, pp. 28-29.

[16] C. RUSSWURM, *Eibofolke oder die Schweden an den Küsten Ehstlands und auf Runö*, Reval 1855, pp. 187-188 (appendix).

[17] FR. BIENEMANN, *Zur Geschichte der livländischen Ritter- und Landschaft 1600-1602. Briefe und Aktenstücke*, in "Mittheilungen aus dem Gebiete der Geschichte Liv-, Est- und Kurlands", 17, 1900, pp. 463-600, 535-537.

[18] R. LILJEDAHL, *Svensk förvaltning i Livland 1617-1634*, Uppsala 1933, pp. 187-189.

[19] J. HEYDE, *Bauer, Gutshof und Königsmacht. Die estnischen Bauern in Livland unter polnischer und schwedischer Herrschaft 1561-1650*, Köln/Weimar 2000, p. 108. For evidence of such cases see e.g.: LATVIAN STATE HISTORICAL ARCHIVES, RIGA (LSHA), 7410-1-4, ff. 48, 102, minutes of the county court of Kokenhausen, 1637;

criminal cases involving the private estate peasants were excluded from the jurisdiction of their landlords.[20]

The court reforms of the Swedish administration not only restricted the judicial rights of the nobility but were an important step towards bringing the peasants into contact with the royal courts and the interference of the latter in the matters of private estate peasantry. They also raised the expectations of the peasantry.[21]

II. STATE TAXES AND DEMAND ON PEASANT LABOUR FOR FORTIFICATIONS

The introduction of regular state taxes in the early 17th century signified an important new tax burden on the peasantry when the Baltic provinces came under Swedish domination.[22] Even if the collection of the taxes and their transmission to the crown was the task of the manor, the state still considered peasants to be the tax-payers.[23]

In the 1680s the state ordered the provincial estates of Estland to provide peasants for the fortification works in Tallinn. The nobility tried to refuse, but was forced to succumb and later agree to the increase of the work quotas.[24] The private landlords could not abstain from providing their peasants' workforce for the state's military needs.

III. LAND REVISIONS

It has been pointed out that one of the characteristics of the bureaucratizing territorial state from the 16th century on was the growing interest in measuring and recording the extent of its land and human resources. Unlike the occasional censuses carried out during the Middle Ages, the land revisions became increasingly regular.[25] While the Polish administration performed surveys in Livonia only of the crown estates in the 1580s and 1590s, in the 17th century Sweden started gathering data also from the noble estates in order to calculate the tax base of the provinces. Already in 1638 all the landlords in Livland were threatened with severe fines if they did not answer correctly to the revision questions.[26] There was general opposition to the land revisions by the nobility fearing the rise of taxes

H. BRUININGK, *Forensia, das Gerichtswesen betreffende Auszüge aus den Akten, Protokollen, Missiven etc. des Dorptschen (Livländischen) Hofgerichts u. seiner Untergerichte (von 1630 bis 1710)*, 1, Riga 1924 (Mscr. in LSHA, 7402-1-7), f. 32-32v.

[20] For instance, when in 1672 a peasant was lethally wounded on the manor of Rasik in a brawl among peasants, on the demand of the provincial governor the case was given directly under the investigation of the county court: ESTONIAN HISTORICAL ARCHIVES, TARTU (EHA), 861-1-3390, 'Inquisitio wegen eines übel verwundeten Baurens Ebarte Mickß und eines auff Rasick im Gefangnuß gestorbenen frey Kerlß Bents', 1672.

[21] So e.g. the peasants of Karkus appealed to the governor of Estland: *nun wißen wihr arme gefangen nicht, waß unser Hauptman Larß Anderßon Waddig mit unß thun will ohne Recht und Klage, so hatt er vorlautten laßen, daß er unß arme dienstbohten will die ohren und Naßen apsneyden laßen ohne gericht undt recht, so bitten wihr zum allerunttertänigste dehm Hochwohlgebohren Herrn Gouverneuren er wolle unß so lang untter Seine Protexcion Nehmen undt unß nach Revall bringen laßen so wirdt unß arme leutte auch verhördt werden*: EHA, 1-1-112, ff. 44-45v, Hulpar Hanß and Putnik Martt to the governor of Estland Bengt Horn, 22 Febr. 1672.

[22] See J. KAHK, *The Regulation of Peasant duties in Estonia in the 17th-19th Centuries and the Myth of the "Good Swedish Era"*, in *... vaikka voissa paistais? Venäjän rooli Suomessa. Juhlakirja professori Osmo Jussilalle 14. maaliskunta 1998*, ed. J. SELOVUORI, Helsinki 1998 (Porvo), pp. 462-492, 465; E. ÖPIK, *Eestlane Rootsi alamana [Estonian as a Swedish subject]*, in "Keel ja Kirjandus", 1992, pp. 385-393, 387.

[23] E.g.: LSHA, 7363-5-28, p. 5, 'Ordnung, wonach *die pauren* alhie in Liefland sollen stazei geben', 12 Sept. 1622.

[24] For these negotiations between the king and the nobility of Estland concerning the fortification works in Tallinn in 1686-1687 see: A. LOIT, *Der Mensch gegen den Berg*, in *Austausch und Verbindungen in der Kunstgeschichte des Ostseeraums,* L.O. LARSSON, J. V. BONSDORFF eds., Kiel 1988, pp. 135-150.

[25] M. V. CREVELD, *The Rise and Decline of the State,* Cambridge 1999, p. 145.

[26] *Actus revisionis Livoniae 1638*, *Pars Latviae I*, edidit et recensuit E. DUNSDORFS, Riga 1938 (Latvijas Vēstures Avoti 4), pp. XX-XXII.

and military obligations.[27] During the general land survey in Estland from 1694 to 1696 which had the main aim of increasing the state's tax take from the noble estates, a large majority of the nobility refused to submit prescribed materials about their manors and peasantry to the royal revision commission. This resulted in a placard by the governor-general of Estland that threatened all private landlords with the fine of 50 reichsthalers *in specie* and military execution if they did not present the required materials (*wacka*-books) within eight days.[28]

IV. CONSCRIPTION OF THE PRIVATE MANOR SERFS INTO MILITARY SERVICE

Prince Karl found it necessary already in 1600 to enlist the Livonian peasants in military service against Poland. In 1605 king Karl IX ordered the governor of Estland to conscript 500-600 or more peasants, irrespective of to whom they belonged. At the same time, all the enlisted peasants were to be freed from serfdom and later given tax-free land.[29]

As the result of the outbreak of the Swedish-Russian war in 1656 the governor-general of Livland issued a placard in July 1657 that called both nobility and the peasants to join either the garrisons of fortresses or territorial defense units. Landlords were not allowed to forbid their peasants from joining the military service under the pretext of work in the manor.[30] The zeal of the peasants still remained moderate. However, after the war some individual peasants were freed from state taxes by the Swedish administration for 'military merit' (thus the individual approach towards peasants in the case of state taxes existed).[31]

After the outbreak of Northern War between Sweden, Russia, Denmark and Saxony in 1700 Karl XII gave an order to organize militia troops from the peasants of Estland in January 1701. For each 15 inhabited *haken* (the local land use and taxation unit), 10 peasants were to be enlisted. No difference was made between the peasants of crown and noble estates and it seems that the king did not seek the consent from the estates as was the usual custom.[32]

The fact that thereafter until 1797 the peasantry of the Baltic provinces was freed from recruitment obligation was not the result of a weak state, but the special status of the Baltic provinces. In Russia, the recruitment obligation had been introduced by Peter I already in 1705.[33]

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27 See e.g. the reply of the provincial estates of Livland to the king's proposition, 8 July 1681: *Die Recesse der livländischen Landtage aus den Jahren 1681 bis 1711: Theils im Wortlaute, theils im Auszuge*, ed. C. SCHIRREN, Dorpat 1865, p. 29.

28 EHA, 1-2-105, f. 3, draft of the order of the governor-general of Estland, 26 Oct. 1694.

29 J. KOIT, *Estnische Bauern als Krieger während der Kämpfe in Livland 1558-1611*, in "Annales Societatis Litterarum Estonicae in Svecia", 4, 1966, pp. 22-60, 35, 47; E. TARVEL, *Die Schlacht bei dem Hofe zu Palmse 1603*, in *Die schwedischen Ostseeprovinzen Estland und Livland im 16.-18. Jahrhndert*, A. LOIT, H. PIIRIMÄE eds., Stockholm 1993 (Acta Universitatis Stockholmiensis, Studia Baltica Stockholmiensia 11), pp. 89-96, 89.

30 TARTU UNIVERSITY LIBRARY (UTLIB), *F152 A. Soom's personal archives*, vol. 128, Magnus Gabriel de la Gardie's placard, July 1657; M. LAIDRE. *Üks hä tru ja öige sullane: Elust Rootsi sõjaväes Eesti- ja Liivimaal 1654-1700* [On the life in the Swedish Army in Est- and Livland 1654-1700], Tartu 1999, pp. 188-189.

31 H. PIIRIMÄE, *Rootsi riigimajandus Eesti- ja Liivimaal 17. sajandil* [The Swedish state economy in Est- and Livland in the 17th century], Tartu 2009, p. 60; M. LAIDRE, *Dorpat 1558-1708. Linn väe ja vaenu vahel* [Dorpat 1558-1708. A Town between Troops and Dander], Tallinn 2008, p. 335.

32 K. KROON, *Eesti ja Läti jalavägi Rootsi armees* [Estonian and Latvian infanty in the Swedish army], in "Akadeemia", 1998, pp. 1759–1790, 1778-1779; *Eesti rahva ajaloost Põhjasõja aastail (1700-1721). Valimik dokumente* [On the history of Estonian folk in the years of Northern War (1700-1721): a selection of documents], ed. V. FAINSTEIN *et al.*, Tallinn 1960, nos. 1-47.

33 See T. TANNBERG, *Eesti ala Venemaa sõjaväesüsteemi integreerimise tagajärjed* [Consequences of the integration of Estonia's territory into Russia's military system], in "Tuna. Ajalookultuuri Ajakiri", 2010, pp. 52-67.

V. PROTECTION OF THE FREE SWEDES AND FINNS UNDER *GUTSHERRSCHAFT*

The state admitted peasant serfdom only in the case of local Estonian and Latvian peasants in the Baltic provinces. This was not the case with Swedish peasants whose settlements had emerged already in the Middle Ages especially in the province of Estland. In 1629 king Gustav Adolf threatened in his resolution to the nobility of Estland to deprive them of all their privileges 'if anybody dares to take on a Swedish or Finnish peasant to the manor without pay, all the more to enserf them'.[34] Making such a clear distinction between Estonian and Latvian peasants on the one hand and the Swedish and Finnish settlers on the other, characterised the whole period of Swedish rule. This was confirmed by the decision by the Swedish *Riksrådet* (the council of the realm) from September 30, 1685 concerning the Swedish peasants in Estland that stated that they were 'free people like private peasants here in Sweden' who had the right to leave their farmstead and, after paying the debts to the manor, to settle elsewhere.[35]

The free Swedish peasantry under the protection of the state could affect the situation of the serfs on the same manor. For example on the island of Dagö the Estonian peasants went along with the campaign of complaints to the king initiated by the Swedish peasants.[36] As Edgar Melton rightly says, the practices of daily life tended to blur differences between free and unfree and not necessarily to the disadvantage of the free peasants.[37]

VI. THE REGULATION OF LOCAL TRADE

To comply with a complaint by the town of Tartu the governor-general of Livland issued an order in 1630 that instituted two market days in Tartu (Monday and Saturday). On these days everybody, including the peasants, had the right to bring their goods to the market. The landlords and the bailiffs were forbidden to force their peasant to sell their products to the manor first or to prevent the peasants from going to Tartu on these days, if they had paid their duties and taxes.[38] Ralph Tuchtenhagen calls this market regulation the first concrete measure through which the Swedish state intervened in serf relations in Livland that 'led to the strengthened economic position of the peasants'.[39] In addition, in 1630 the governor-general of Livland issued a memorial to all the county courts that forbade 'shameful preemption' (*die schändliche Vorkäufferey*) in the country, and stated that the peasants were to be allowed to take their products to the town market.[40]

These principles clearly reflected the state's interest in regulating the economic affairs and they remained in effect also in the second half of the 17th and in the 18th centuries. In 1684 the governor-general of Livland ordered again that 'all the nobility and non-nobility are completely forbidden from purchasing goods from strangers or their own peasants', but 'the peasants are to be allowed to take the goods to the town free markets and sell them

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[34] C. RUSSWURM, *Eibofolke*, cit., p. 188 (appendix).

[35] A. PÕLDVEE, *Pakri rootslaste kaebused Karl XI-le 1684. aastal: muutuste aeg Harju-Madise ja Risti kihelkonnas* [Pakri Swedes' complaints to Karl XI in 1684: the time of changes in the parishes of Harju-Madise and Risti], Keila 2001, pp. 119-122.

[36] J. KOIT, *De svenska dagöböndernas kamp för sina fri- och rättigheter 1662-1685*, in "Svio-Estonica: studier utgivna av svensk-estniska samfundet", 10, 1951, 1, pp. 50-152

[37] E. MELTON, *The Decline of Prussian Gutsherrschaft and the Rise of the Junker as Rural Patron, 1750-1806*, in "German History", 12, 1994, pp. 334-350, 338.

[38] R. LILJEDAHL, *Svensk förvaltning*, cit., p. 467.

[39] R. TUCHTENHAGEN, *Zentralstaat und Provinz im frühneuzeitlichen Nordosteuropa*, Wiesbaden 2008, p. 394.

[40] L. ARBUSOW, *Die Livländische Landesordnung von 1668. Ihre Entstehung und ihre Quellen besonders die bauerrechtlichen*, in "Quellen und Forschungen zu baltischen Geschichte", 1942, pp. 1-41, 17.

there, after all their duties have been paid.'[41] In 1698 the manors less than six miles from Tartu were also forbidden (on pain of a fine or confiscation of the goods) to sell town goods (salt, iron, etc.) to the peasants, as the peasants could come to the town at any time and buy the necessary goods themselves.[42] Even if these orders in the first instance arose from complaints by the town merchants, rather than a concern for peasants' interests, they nevertheless meant a direct limitation of the economic activities of private manors.[43]

The town merchants found partial support from the provincial government also in the cases of collecting debts from the peasants. For instance, in 1691 the noble estates were admonished by the governor-general of Livland that the debts allowed to the peasants by merchant and citizen Friedrich Arpenbeck were usually left unpaid. The governor-general demanded that noble landlords not prevent the collection of any debt from the peasants, but rather assist with additional pressure (*mit Nachdruck*).[44]

VII. Accepting peasants' complaints

The order of the county courts of Livland in 1632 gave a direct right to the peasants to issue complaints against the bailiff or leaseholder of the manor (though not against their landlord).[45] These court cases had to be settled in the supreme court.[46]

The sources leave no doubt that in the 17th century and particularly from the 1680s the Swedish provincial governments accepted the peasants' written complaints and when the case sounded more serious it received further investigation,[47] even the cases against private landlords.[48] For example, the complaint submitted by a peasant from the private manor of Koitjärw to the governor-general of Estland in 1693 was first concluded with the request of

[41] EHA, 278-1-XVI-37b, f. 45, placard of the governor-general of Livland, 19 Febr. 1684. Analogous orders followed: EHA, 5100-1-15, pp. 58-61, placard of the governor-general of Livland, 19 Dec. 1695. In the 18th century similar orders were published by the Russian provincial governments in Estland and Livland in 1729, 1733, 1738, 1741, 1745, 1747: M. LAUR, *Talurahva olukorrast 18. sajandi Liivimaal* [On the status of the peasantry in 18th century Livonia], in "Kleio", 1996, pp. 12-18, 13-14.

[42] EHA, 278-1-XVI-43d, ff. 274-276, the magistrate of Tartu to governor E. Soop, 10 Oct. 1698; *ibid.*, ff. 284-285, 'Ex Protocollo Consul: Reg: Civ: Dorpat d: 6. Octobr: Ao. 1698'. In 1726 a placard of the governor-general of Livland legalised the sale of salt and iron to the peasants on the manor but the peasants preserved the right to buy all other items from the town, especially clothes. However, in the province of Estland a placard of 1729 still forbade trading salt on the manors: M. LAUR, *Eesti ala valitsemine 18. sajandil (1710-1783)* [The administration of the Estonian territory in the 18th century (1710-1783)], Tartu 2000, p. 198.

[43] Cf. M. LAUR, *Talurahva olukorrast*, cit., p. 13.

[44] LSHA, 7349-1-45, pp. 159-160, 'Patent vor Fridr. Apenbeck wegen seiner Baurschulden ad Possessores d adl. Güther', 02 March 1691.

[45] *Sammlung der Gesetze, welche das heutige livländische Landrecht enthalten, kritisch bearbeitet*, 2, section 1, Riga 1821, p. 98 (art. 10).

[46] In 1632, several months after the reform act of county courts, the members of the supreme court of Livland expressed their opinion to the governor-general Johan Skytte that in spite of the order allowing peasants to hand in their complaints against leaseholders and bailiffs, they still faced difficulties in formulating these as forseen by the Royal Supreme Court: L. ARBUSOW, *Die "Livländische Landesordnung"*, cit., no. 4. See e.g. a case of complaint by the peasants of Randen concerning a growing burden of manor duties at the supreme court in 1640: H. BRUININGK, *Miscellanea. Auszüge a. d. Akten, Protokollen, Missiven etc. des Dörptschen Hofgerichts u. sr. Untergerichte aus schwedischer Regierungszeit*, Riga 1924 (mscr. in LSHA, 7402-1-11), f. 13v.

[47] In 1644 the governor-general of Livland Erik Eriksson Ryning once stayed on the manor of Adsel where a peasant of the manor Johan Branck found a chance to submit him a complaint against the leaseholder of the manor. The governor-general asked to freeze the conflict until further investigation. After the governor-general left, the leaseholder even threatened to kill the peasant for his impudence: EHA, 278-1-XVI-3a, f. 5, investigation minutes of the complaints of the peasants of Adsel, 1645-1646.

[48] E.g. the case of the private manor of Saage (Saha) from 1695 to 1699: EHA, 858-2-3874; EHA, 1-2-135, ff. 60-67v; EHA, 862-1-509.

explanation from the landlord. But in 1694 the same peasant went to Stockholm to complain directly to the king, this was followed by an order in the name of the king to the governor-general of Estland to take notice of the complaint. The case ended up in the district vassal court, where the court ordered the return of all the confiscated property to the peasant, though the landlord resisted the decision.[49] Similarly in 1695 the private landlord of Attel refused to return three tuns of grain to the peasants as ordered by the court; the governor-general of Estland sent even a corporal with a soldier to Attel who had to remain in the manor until the missing grain was returned and the order of the authorities fulfilled.[50] The landlords tended to take the complaints of the peasants to the state very badly and tried hard to refute them. This indicates the vulnerability and uncertainty of the landlords.

In 1695 the governor-general of Livland put forward an accusing note to the nobility at the diet that His Majesty had been compelled to hear from numerous complaints by noble estate peasants of Livland[51] how corporal punishment had exceeded, in places, 'almost the Christian competence'. The king's wish was to provide royal care and protection also to the noble peasants and that the nobility should treat their peasants with 'Christian and fair moderation'.[52] Therefore, the state ordered the nobility to treat their peasantry better, referring to the complaints by the peasants.

VIII. Peasant schools

From the 1680s Sweden's central administration actively supported the establishment of peasant parish schools in the provinces of Livland and Estland in order to promote Lutheran education and religious literacy amongst the peasantry. In fact, already in 1601 prince Karl had stated to the Livonian nobility that the children of the peasants had the right to go to school and they could be employed where they wished as 'it is not customary in Christianity to treat children as slaves'.[53] In 1686 Charles XI gave an order to establish a school at every church in Livland. In 1689 a placard issued by the governor-general of Livland demanded that all the manors, including private ones, must on pain of a fine build a schoolhouse at their parish church. In 1690 the estates of Estland agreed to establish schools and build schoolhouses with windows. However, the opposition of the nobility to the politics of peasant schools led by the state was quite broad. Though the nobility of Livland finally agreed to build schoolhouses, they did not want to accept the demand of

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[49] EHA, 1-2-133, f. 14v, the governor-general of Estland to the vassal court of Harrien, 31 Jan. 1695; EHA, 861-1-1887, ff. 17-63v, minutes of the vassal court of Harrien, 27 Sept. 1694-10 Febr. 1696; O. LIIV, *Die grosse Hungersnot in Estland 1695-1697*, Tartu 1938 (Academicae societatis historicae scripta 9), no. 285.

[50] EHA, 1-2-133, f. 58v, the governor-general of Estland to Hans Ernst von Wolfframsdorff, 28 March 1695.

[51] For example in 1692 the peasants of the private manor of Naukschen visited Stockholm to hand in their letter of grievances to the king that received further investigation: A. SCHWABE, *Grundriss der Agrargeschichte Lettlands*, Riga 1928, pp. 243-244; A. SOOM, *Der Herrenhof*, cit., p. 16. In 1694 the peasants of the private manor of Attel visited Stockholm: SWEDISH STATE ARCHIVES, STOCKHOLM (RA), *Livonica II*, vol. 267, Karl XI to the governor-general of Estland, 13 Oct. 1694.

[52] LSHA, 7349-2-34, pp. 188-191, the governor-general of Livland J. J. Hastfer to the provincial estates, 22 Oct. 1695. A month later, in November 1695, the governor-general of Estland informed baron Otto Johann von Meyendorff-Uxkül in reply to a complaint by his three peasants that it was 'nun Ihrer Kgl. Maytt. gnadigster Wille daß auch die adeliche Bauren über Gebühr und wieder Billigkeit nicht hanthieret werden sollen': EHA, 1-2-133, f. 201, the governor-general of Estland to O. J. v. Meiendorff-Uxkül, 29 Nov. 1695.

[53] FR. BIENEMANN, *Zur Geschichte*, cit., pp. 535-537.

hiring a separate schoolmaster for the peasant children. Instead, every parish would have a parish clerk who could act also as a schoolmaster.[54]

After the Northern War a placard of the governor-general of Livland in 1711 ordered the restoration of the peasant schools and hiring the schoolmaster for the peasant children. A more detailed arrangement of peasant schools was worked out in the 1730s and the full obligation to attend school was imposed in Livland in 1765 by a placard of the governor-general. According to the placard each manor that exceeded five *haken* had to establish a peasant school and appoint a school teacher.[55]

IX. 'GUTE POLICEY' ORDERS

In the process of imposing and assuring the 'gute Policey' the state and the nobility worked hand in hand. The keeping of 'gute Policey' was possible only with the support of the landlords.[56] In the *Gutsherrschaft* society it was typical that the state agencies on the spot were in fact the landlords themselves.[57] However, on the other hand the interests of 'gute Policey' of the early modern state superseded those of the manors and the landlords had to follow those orders on the territory of their estates developed by the state. Most of the provincial police orders served foremost the interests of the state.

In the Baltic provinces the 'gute Policey' orders were issued especially from the mid 17th century and in the 18th century they increasingly included fines (also applied to the landlords) if these were not followed on the manor.[58] For example, the placard of the governor-general of Livland George v. Browne from May 31, 1768 stated that if any landlord, bailiff or anybody else of German decent tolerated and took care of a gypsy, beggar or other riffraff *(Gesindel)* even for an hour and was caught, he would have to pay a fine of 25 albertus reichsthalers. If however peasants were caught together with such beggars, gypsies and other scoundrels, they would be flogged at the church.[59] Thus the private landlords did not even have the right to decide who could move on their territory, but the normative police order dictated this, as well as the fines and punishments (even those applicable to the peasants).

X. AVOIDING BEGGING

In the 17th century the state did not yet issue any general orders in the Baltic provinces that the village community or the landlord had the obligation to maintain the local poor and to prevent them from falling into vagrancy. There were first calls of such a kind at the end

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[54] A. PÕLDVEE, *Peasant Schools in Estland and Livland during the Last Quarter of the 17th Century*, in *Common Roots of the Latvian and Estonian Literary Languages*, K. ROSS, P. VANAGS eds., Frankfurt a.M. 2008, pp. 61-99, 75-81; A. PÕLDVEE, *Die Gründung der Volksschule in Estland in den 1680er und 1690er Jahren*, in *Die schwedischen Ostseeprovinzen Estland und Livland im 16.-18. Jahrhndert*, A. LOIT, H. PIIRIMÄE eds., Stockholm 1993 (Acta Universitatis Stockholmiensis, Studia Baltica Stockholmiensia 11), pp. 285-292.

[55] M. LAUR, *Eesti ala valitsemine*, pp. 92-94.

[56] P.-M. HAHN, *Fürstliche Territorialhoheit und lokale Adelsgewalt. Die herrschaftliche Durchdringung des ländlichen Raumes zwischen Elbe und Aller (1300-1700)*, Berlin/New York 1989, p. 508.

[57] S. OGILVIE, *Staat und Untertanen*, cit., pp. 78-79.

[58] E.g. for not fulfilling the obligation of building hihgways and bridges as foreseen in the Livonian police orders of 1668. The manor of Pabbusch was fined even with 93 reichsthalers for this in 1688: EHA 278-1-XVI-37b, ff. 136-139, the governor-general of Livland Jakob Johann Hastfer to Heinrich Haltermann, 18 Sept. 1688. For the fines applied in Estland see: O. LIIV, *Die wirtschaftliche Lage des estnischen Gebietes am Ausgang des XVII. Jahrhunderts, I: Allgemeiner Überblick, Getreideproduktion und Getreidehandel*, Tartu 1935, pp. 28-29.

[59] UTLIB, Est B-197, 'Livländische Gouvernements-Regierungs-Patente. Gesammelt und nach Herrn General-Superintendenten Dr. Sonntag chronologischen Verzeichnisse geordnet v. C. F. W. Goldmann', 31 May 1768.

of 17th century.[60] However, the placard the governor-general of Livland George von Browne from May 14, 1772 established a fine of 10 thalers for each beggar to be imposed on the landlord whose peasants are caught begging. The landlords had to take care of their poor and elderly.[61]

XI. Obligation to maintain the peasants

Until the 18th century there was no regulation or order which placed a direct obligation on private landlords to maintain their serf peasants in the Baltic provinces. In Russia the ukase of 1723 mentioned for the first time that the landlords ought to deal with their peasants' bread and seed corn supply problems,[62] and the ukase of 1734 directly imposed that kind of obligation upon every landlord.[63] Neither of these ukases remained unknown in the Baltic provinces, though these were not imposed at once. Only a placard of 7 October 1749 by the provincial government of Livland demanded that first, according to the ukase of 1723, the nobility of Livland was obliged to send grain as advance loans from those manors where there was a surplus of corn to those manors where the peasants lived in want. Secondly, according to the ukase of 1734 every landlord in Livland had to maintain their peasants in hard times to such an extent that the latter would be not forced to go begging or leave their fields uncultivated due to lack of seed corn. In fact, both the nobility of Livland and Estland were demanded following the ukase of 1734 as late as the famine year of 1807.[64]

In 1763 the nobility of Livland and Estland agreed to establish an obligatory grain reserve for their peasants as the senate of St. Petersburg had demanded. Since that year the provincial governments of Livland and Estland started to repeatedly remind landlords of their obligation to maintain their peasants. In 1765 for the first time fines were imposed on private landlords who would not keep the obligatory grain reserve for their peasants' needs. The lords of the manor were not allowed to give their peasants any grounds for grievances by refusing to give assisting credit when it was needed.[65]

XII. Peasants' freedom to marry

In the Baltic provinces the landlords never gained the legal right to prohibit or impede the female peasants (brides) from marrying and relocating to another manor. Already in the first half of the 18th century the provincial government of Livland issued a succession of placards that directly forbade private landlords (as well as the leaseholders of crown estates)

[60] See e.g. O. LIIV, *Die grosse Hungersnot*, cit., no. 192.

[61] UTLIB, Est B-197, Livländische Gouvernements-Regierungs-Patente, 14 May 1772; M. LAUR, *Eesti ala valitsemine*, cit., p. 165.

[62] *Polnoe sobranie zakonov Rossiiskoi imperii. Sobranie pervoe*, St. Petersburg 1830, no. 4168 (16 Febr. 1723); N. VARADINOVA, *Istoriia Ministerstva Vnutrennih Del'*, part 2, book 1, St. Petersburg 1859, p. 500.

[63] D. MOON, *Reassessing Russian Serfdom*, in "European History Quarterly", 1996, pp. 483-526, 504; R. BARTLETT, *Serfdom and State Power in Imperial Russia*, in "European History Quarterly", 33, 2003, pp. 29-64, 30.

[64] M. SEPPEL, *The Landlords' Obligation to Maintain their Serfs in the Baltic Provinces*, in "Social History", 34, 2009, pp. 284-300, 288.

[65] UTLIB, Est A-279, 'Livländische Gouvernements-Regierungs-Patente. Gesammelt und nach Herrn General-Superintendenten Dr. Sonntag chronologischen Verzeichnisse geordnet v. C. F. W. Goldmann', 18 April 1765; EHA, 30-1-6844, f. 34-34v, the provincial government of Estland to the lower county courts, 20 Feb. 1787.

from impeding 'without compelling reason', marriages of brides and grooms from different estates.[66]

XIII. EPIDEMIC CONTROL

In the last third of the 18th century there was an apparent increase in the state's interest in the issues of public health. It is remarkable how the state started to put pressure on the private landlords to follow medical police orders on their lands.[67] By the order of the provincial government of Livland of 22 September 1797, every landlord was obliged on pain of a 25-rouble fine to inform the county magistrate at once, or not later than the following day, if he heard of any contagious diseases amongst his peasants or their animals.[68]

XIV. THE STATE'S INTERESTS IN THE *GUTSHERRSCHAFT* SOCIETY

While the role of the state in instituting, retaining and abolishing of serfdom in Eastern Europe has been generally acknowledged, the concept of *Gutsherrschaft* has been still seen foremost as the bilateral relationship between the landlord and the peasantry.[69] Also in the Marxist historiography the study of *Gutsherrschaft* has focused first of all on the relationship between the landlords and peasants, although the state was recognised as an active part in the class conflicts.[70] This does not mean, however, that research into *Gutsherrschaft* has thus far totally neglected the effect of the state, but definitely the role of the state in the functioning of the *Gutsherrschaft* society has still remained unclear and controversial.[71]

The historiography on *Gutsherrschaft* has extensively discussed the struggles of the estates with the territorial prince (*Landesherr*) over power and influence.[72] According to general accounts, the state power had fallen into dependency on landlords and did not intrude into relations between private lord and serf.[73] Thus, the development of

[66] UTLIB, Est A-279, Livländische Gouvernements-Regierungs-Patente, 02 Jan. 1716, 08 Aug. 1733, 30 March 1756; *Doklad Ego Imperatorskomu Velichestvu ot Komiteta, uchrezhdennago dlja razsmotrenija Lifljandskikh del*, [St. Peterburg, 1804], p. 9.

[67] M. SEPPEL, *Landlords' Medical Care for Their Serfs in the Baltic Provinces of the Russian Empire*, in "The Slavonic and East European Review", 89, 2011, pp. 201-223.

[68] UTLIB, Est B-197, Livländische Gouvernements-Regierungs-Patente, 22 Sept. 1797.

[69] Thus, Heinrich Kaak defines the term *Gutsherrschaft* as follows: 'Begriff "Gutsherrschaft" bezeichnet das gesamte soziale, ökonomische und rechtliche Verhältnis, in dem die Gutsherren und ihre Bauern zueinander standen'; and 'Gutsherrschaft bezeichnet den Gesamtkomplex der ostelbischen Agrarverhältnisse zwischen etwa 1570 und 1800/1861, unter denen sich die Gutsherren und Gutsuntertanen als wichtigste soziale Gruppen gegenüberstanden': H. KAAK, *Die Gutsherrschaft*, cit., pp. 2, 431.

[70] E.g. H. HARNISCH, *Die Gutsherrschaft. Forschungsgeschichte, Entwicklungszusammenhänge und Strukturelemente*, in "Jahrbuch für Geschichte des Feudalismus", 9, 1985, pp. 189-240, 189; J. NICHTWEISS, *Das Bauernlegen in Mecklenburg. Eine Untersuchung zur Geschichte der Bauernschaft und der zweiten Leibeigenschaft in Mecklenburg bis zum Beginn des 19. Jahrhunderts*, Berlin 1954, p. 61.

[71] As e.g. Thomas Rudert avowed: T. RUDERT, *Grenzüberschreitungen. Frühformen der Gutsherrschaft im mecklenburgisch-pommerschen Grenzgebiet im 16. Jahrhundert*, in *Gutsherrschaftsgesellschaften im europäischen Vergleich*, ed. J. PETERS, Berlin 1997, pp. 352-383, 378; cf. W.W. HAGEN, *Ordinary Prussians*, cit., pp. 69-70; M. SCHATTKOWSKY, *"... und wolte ich mit ihnen in frieden und ruhe leben". Hintergründe zum Herrschaftsverständnis adliger Rittergutsbesitzer in Kursachsen um 1600*, in *Konflikt und Kontrolle in Gutsherrschaftsgesellschaften. Über Resistenz- und Herrschaftsverhalten in ländlichen Sozialgebilden der Frühen Neuzeit*, ed. J. PETERS, Göttingen 1995, pp. 359-403, 364-366, 401.

[72] Since already Georg Friedrich Knapp: G.FR. KNAPP, *Die Bauern-Befreiung und der Ursprung der Landarbeiter in den älteren Theilen Preußens*, part 1, Leipzig 1887, p. 115.

[73] J. BLUM, *The Rise of Serfdom in Eastern Europe*, in "The American Historical Review", 62, 1957, pp. 807-836, 809, 822-824, 836; FR. LÜTGE, *Geschichte der deutschen Agrarverfassung vom frühen Mittelalter bis zum 19. Jahrhundert*, Stuttgart 1963, pp. 115-116; H. KAAK, *Die Gutsherrschaft*, cit., pp. 4, 58, 210.

Gutsherrschaft in general and its stronger or weaker forms had depended on the success of the politics of the estates and the fragile position of the territorial princes (as argued both by Georg v. Below and Friedrich Lütge).[74] For example, it has been correlated that the situation of the peasants in Brandenburg-Prussia was better because of the absolutist monarchy than it was in Mecklenburg with a weak territorial prince.[75] However, several later studies have questioned or refuted this assumption by Below and Lütge.[76]

Gutsherrschaft is defined as a 'closed territory' that has been frequently characterised by the expression 'state within the state' (*Staat im Staate*).[77] Already Knapp showed that the landlords considered their manorial district (*Gutsbezirk*) as a 'small realm'.[78] Lütge in his territorial theory of *Gutsherrschaft* identifies it as a situation where the manor was like a 'small state within a state' where the landlord dominated over everything (*der Gusherr beherrscht das Ganze*).[79]

In fact, the manor was never so closed as has been claimed. If we stop speaking of *Gutsherrschaft* as an artificial, analytical model (i.e. Weberian 'ideal type') that never existed in pure form[80] and that only blurs the understanding of regional differences in the east of Elbe,[81] it is incorrect to neglect the role of the state in the *Gutsherrschaft* society. Older accounts that relate the initial enforcement of state's interest on the landlords only with the policy of peasant protection and the agrarian reforms (in order to create a strong and solvent peasantry) in the 18th century date this process too late.[82] The case of the Baltic provinces shows that even in the region with a strong formation of *Gutsherrschaft,* the enforcement of state's interest on the landed nobility started at least as early as in the 16th and 17th centuries.

There is not much evidence to support the thesis that the state was unable to intrude in the affairs of landlords. Already in the first half of the 17th century the central administration repeatedly broke through the gate of the manor. If the state had been under the nobility's thumb, the latter would have retained the supreme jurisdiction over its peasants that it was always actively seeking. Instead, the state and the courts repeatedly

[74] G. V. BELOW, *Territorium und Stadt. Aufsätze zur deutschen Verfassungs-, Verwaltungs- und Wirtschaftsgeschichte*, München/Leipzig 1900, pp. 13, 18-19; FR. LÜTGE, *Geschichte*, cit., p. 102; FR. LÜTGE, *Deutsche Sozial- und Wirtschaftsgeschichte. Ein Überblick*, Berlin/Göttingen/Heidelberg 1952, pp. 155-156, 239; P.-M. HAHN, *Fürstliche Territorialhoheit*, cit., p. 13; H. KAAK, *Die Gutsherrschaft*, cit., pp. 216-217, 232, 240, 324.

[75] H. KAAK, *Die Gutsherrschaft*, cit., pp. 185-186; L. ENDERS, *Entwicklungsetappen der Gutsherrschaft vom Ende des 15. bis zum Beginn des 17. Jahrhunderts, untersucht am Beispiel der Uckermark*, in "Jahrbuch für Geschichte des Feudalismus", 12, 1988, pp. 119-166, 162, 165.

[76] Recently: E. LANDSTEINER, *Demesne Lordship and the Early Modern State in Central Europe: the Struggle for Labour Rent in Lower Austria in the Second Half of the Sixteenth Century*, in "Agricultural History Review", 59, 2011, pp. 266-292, 283. See also: G. DROGE, *Die finanziellen Grundlagen des Territorialstaates in West- und Ostdeutschland an der Wende vom Mittelalter zur Neuzeit*, in "Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte", 53, 1966, pp. 145-161, 160-161; A. HOLENSTEIN, *Bauern zwischen Bauernkrieg und Dreissigjährigem Krieg*, München 1996 (Enzyklopädie deutscher Geschichte 38), p. 89. For the comparison between Mecklenburg and Lausitz in this respect, see: H. KAAK, *Die Gutsherrschaft*, cit., p. 333.

[77] FR. GROSSMANN, *Über die gutsherrlich-bäuerlichen Rechtsverhältnisse in der Mark Brandenburg vom 16. bis 18. Jahrhundert*, Leipzig 1890, p. 46; J. PETERS, *Gutsherrschaftsgeschichte*, cit., pp. 9, 19-20; H. KAAK, *Die Gutsherrschaft*, pp. 5-6.

[78] G.FR. KNAPP, *Die Bauern-Befreiung*, cit., p. 115.

[79] FR. LÜTGE, *Geschichte*, cit., pp. 45, 102; IDEM, *Deutsche Sozial- und Wirtschaftsgeschichte*, p. 49; IDEM, *Grundherrschaft und Gutsherrschaft*, in *Handwörterbuch der Sozialwissenschaften*, 4, Tübingen/Göttingen 1965, pp. 682-688.

[80] Cf. L. MAKKAI, *Neo-Serfdom: Its Origin and Nature in East Central Europe*, in "Slavonic Review", 34, 1975, pp. 225-238, 227; W. PRANGE, *Die Anfänge der großen Agrarreformen in Schleswig-Holstein bis um 1771*, Neumünster 1971, p. 596; M. CERMAN, *Agrardualismus*, cit., p. 15.

[81] See P.-M. HAHN, *Fürstliche*, cit., p. 20; M. CERMAN, *Villagers*, cit., p. 5.

[82] FR. LÜTGE, *Geschichte*, cit., p. 103; J. BLUM, *The End of the Old Order in Rural Europe*, Princeton 1978, pp. 197-209; G. CORNI, *Absolutistische Agrarpolitik und Agrargesellschaft in Preussen*, in "Zeitschrift für Historische Forschung", 13, 1986, pp. 285-313, 285; H. KAAK, *Die Gutsherrschaft*, cit., pp. 3, 294, 401.

intervened in the relations between the manor and the peasantry in the cases of the exaggerations of domestic discipline ('tyranny'). The clearest legal restriction applied to landlords in relation to their serfs was that they did not have the right to kill.[83]

The right of the peasants to lodge a complaint to the state institutions, which existed in almost the whole east Elbian region,[84] meant that the peasant was not confined to the manor, but also had a direct contact with the state.[85] Also the repeated regulations by the state that prohibited the prevention of the peasant girls from marrying into another estate (which the landlords still tried to do[86]) are in contrast with the claim that the state left a free hand to private landlords in the treatment of their peasants. The state imposed economic limits on the development of demesne economy; such interventions in the Baltic provinces included the regulations of markets and local trade. In addition there was a general requirement that the landlord could not force the peasants to work for the manor on Sundays and other holy days.[87] Besides, there occurred a row of other disputes between the state and the estates in the 17th-18th centuries Baltic provinces that resulted in decisions that directly contradicted the interests of the nobility. For example, frequent export bans on grains were imposed both by the Swedish state in the 17th century and the Russian government in the early 18th century, but the landlords always supported free trade with high grain prices.[88] In the 1680s the king carried out the so-called great *reduktion* under which in Livland about 84 per cent of possessions formerly granted to the nobility were returned to the crown.[89]

From the 1990s the phenomenon of *Gutsherrschaft* has been explained through the use of the 'field of forces' model developed by E. P. Thompson (originally from Pierre Bourdieu).[90] This indeed fits the theory of *Gutsherrschaft* better than the former Marxist class theory that explained it through the opposition of two antipodes, the landlord and the

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[83] M. SEPPEL, *Vägivalla piirid pärisorjuslikes suhetes Eesti- ja Liivimaal 17. sajandil* [The limits of violence in the serf relations in the provinces of Estland and Livland in the 17th century], in "Tuna. Ajalookultuuri Ajakiri", 2012, pp. 19-31.

[84] See e.g. O. ULBRICHT, *"Angemaßte Leibeigenschaft": Supplikationen von schleswigschen Untertanen gegen ihre Gutsherren zu Beginn des 17. Jahrhundert*, in "Demokratische Geschichte. Jahrbuch zur Arbeiterbewegung und Demokratie in Schleswig-Holstein", 6, 1991, pp. 11-34; H. KAAK, *Vom Erbzinsrecht zur Leibeigenschaft – Entstehung agrarischer Zwangsformen im frühneuzeitlichen Brandenburg*, in "Zeitschrift für Weltgeschichte. Interdisziplinäre Perspektiven", 8, 2007, pp. 71-103, 92-93; R. LEHMANN, *Die Verhältnisse*, cit., pp. 59-60.

[85] The same has been argued by E. Melton who claimed that the legal apparatus of the Prussian state, which even in its pre-absolutist stage had enabled peasants to seek legal redress against Junker oppression was clearly a phenomenon that placed 'limits on *Gutsherrschaft* as a system of exploitation': E. MELTON, *Population Structure, the Market Economy, and the Transformation of Gutsherrschaft in East Central Europe, 1650-1800: The Cases of Brandenburg and Bohemia*, in "German History", 16, 1998, pp. 297-327, 313. See also E. MELTON, *Gutsherrschaft*, cit., pp. 333-334. E. Melton's assertion that in Livonia peasants had no legal avenues of appeal against their lords until 1804 is incorrect.

[86] E.g. UTLIB, Est A-279, Livländische Gouvernements-Regierungs-Patente, 30 March 1756.

[87] E.g. EHA, 1-2-34, f. 422, order of the governor-general of Estland, 17 Sept. 1692; M. LAUR, *Talupoegade*, p. 14. Similarly Ulrike Gleixner has shown that in cases of religious disciplining of the peasants the state easily enforced its will: U. GLEIXNER, *Die "Ordnung des Saufens" und "das Sündliche erkennen", Pfingst- und Hütebiere als gemeindliche Rechtskultur und Gegenstand pietistischer Mission (Altmark 17. und 18. Jahrhundert)*, in *Konflikt und Kontrolle in Gutsherrschaftsgesellschaften. Über Resistenz- und Herrschaftsverhalten in ländlichen Sozialgebilden der Frühen Neuzeit*, ed. J. PETERS, Göttingen 1995, pp. 13-53, 13-14, 33, 48-49.

[88] A. SOOM, *Der baltische Getreidehandel im 17. Jahrhundert*, Stockholm 1961; JA. ZUTIS, *Politika carizma v Pribaltike v pervoj polovine XVIII v.*, Moskva 1937, pp. 21–28; M. LAUR, *Eesti ala valitsemine*, cit., p. 176.

[89] See A. ISBERG, *Karl XI och den livländska adeln 1684-1695. Studier rörande det Karolinska enväldets införande i Livland*, Lund 1953.

[90] Heinrich Kaak points out the presence of the state (or *Landesherr*) as the third party in the field of forces (*Kräftefeld*) in the conflicts between the lordship and peasantry: H. KAAK, *Vermittelte, selbsttätige und maternale Herrschaft. Formen gutsherrlicher Durchsetzung, Behauptung und Gestaltung in Quilitz-Friedland (Lebus/Oberbarnim) im 18. Jahrhundert*, in *Konflikt und Kontrolle in Gutsherrschaftsgesellschaften. Über Resistenz- und Herrschaftsverhalten in ländlichen Sozialgebilden der Frühen Neuzeit*, ed. J. PETERS, Göttingen, 1995, pp. 54-117, 57-58, 89, 105-107.

peasant. Gutsherrschaft society as a social space constituted a field of forces with a considerably larger range of players.[91] At the same time this was not only an antagonistic struggle, but included alliances, co-operation and mutual compromises between all parties. The state shaped the *Gutsherrschaft*, as did the peasants.

XV. CONCLUSION

From the middle of the 16th century, the peasants could feel the growing presence of the state: army marches through the country with the obligation to accommodate them, increasingly frequent tours of the clerks of the provincial government and the members of the court, in addition the commissions in the manor sent by the state to investigate conflicts. Information on battle victories and deaths of kings reported from the pulpit, as well as the numerous decrees, regulations and police orders that threatened the peasants more and more with public punishments (e.g. in the case of starting a bushfire), or military executions to gather fines, execute a court verdict or restore order along with new taxes and other public obligations, e.g. to participate in building roads and bridges. There were also repeated land revisions, the introduction of the royal mail system and the circulation of Swedish and later Russian coins that were always the bearers of a political message. Growing number of court cases (that involved peasants also in cases where the nobility was quarrelling between themselves, e.g. in case of border conflicts), opened chances to get grain loans from the crown granaries, etc. All these represented events that went beyond the closed circle of the *Gutsherrschaft* and put the peasant in contact with the state.[92] It is also remarkable how frequently in this period the nobility engaged in correspondence with the provincial government and courts on matters concerning their peasants. The sources show very clearly that the communication with the state became increasingly vital for the landlords as well as for the peasants from the 17th century till the 19th century.

It seems obvious that the development of *Gutsherrschaft* and serfdom in the early modern period cannot be studied independently of the process of state building that took place at the same time. Debates over the formation of the modern territorial state in the history writing have been going on for a few generations already. Therefore one need not delve into the question of what was driving these state policy initiatives. But it is clear that the spheres where the state was intervening ever more strongly into the business of the private estates were foremost among the aspects that are discussed in the literature of state formation: centralization, imposition of state taxes, militarization, growing regulation of economy, confessionalisation, standardization of the court system, regulation of the 'gute Policey' and social disciplining.

The attempts of the state to impose its interest had an important effect on the serf relations between the manor and the peasants. This calls for regarding early modern serfdom and *Gutsherrschaft* not as a bilateral, but a trilateral relationship or a triangular relationship (*Dreiecksverhältnis*), as it has been called.[93] In this triangle, all parties – the state, the landlords, and the peasantry – had their interests and these were partially overlapping and partially diverging. Naturally, the role of the state should not be overemphasised or taken for the main driving force of all the changes in society (as in Gerhard Oestreich's

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[91] See P. BOURDIEU, *Practical Reason. On the Theory of Action,* Stanford 1998, p. 32.

[92] Cf. P.-M. HAHN, *Fürstliche*, cit., p. 513.

[93] E.g. W. SCHULZE, *Bäuerlicher Widerstand und feudale Herrschaft in der frühen Neuzeit*, Stuttgart-Bad Cannstatt 1980, p. 65; H. KAAK, *Die Gutsherrschaft*, cit., p. 58; J. KAHK, *Das Dreieck-System*, cit.

conception).[94] Rather, it was a multipolar field of forces, where the state, the landlords, and the peasantry had a role in the development of the social, legal and economic relations.

This is in contrast with Friedrich Lütge's account of *Gutsherrschaft* in which he sees the accumulation of sovereignty into the hands of the landlord over the territory of his manor. Nearly twenty years ago a working group at the University of Potsdam (*Ostelbische Gutsherrschaft als sozialhistorisches Phänomen*) started to question the idea that the social order of *Gutsherrschaft* in early modern rural society was a social model that one could reduce only to a scheme of a superior *Gutsherr* and a subordinate peasant, but that peasants also played an influencing and controlling role.[95] It cannot go without stressing that it was not only landlords and the peasants who shaped this field of forces but also the state with its various agencies (who often were the landlords themselves).

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[94] See J. KLUßMANN, *Lebenswelten*, cit., pp. 17-18.

[95] J. PETERS, *Gutsherrschaftsgeschichte*, cit., pp. 9-11; J. PETERS, *Einleitung*, in *Konflikt und Kontrolle in Gutsherrschaftsgesellschaften. Über Resistenz- und Herrschaftsverhalten in ländlichen Sozialgebilden der Frühen Neuzeit*, ed. J. PETERS, Göttingen 1995, pp. 9-12, 9; A. LUBINSKI, *Die Realisierung von Gutsherrschaft und Erfahrungen mit Untertänigkeit. Das Beispiel Galenbeck in Mecklenburg (1719-1748)*, in *Konflikt und Kontrolle in Gutsherrschaftsgesellschaften. Über Resistenz- und Herrschaftsverhalten in ländlichen Sozialgebilden der Frühen Neuzeit*, ed. J. PETERS, Göttingen 1995, pp. 201-247, 244.

Martedì 16 aprile, ore 15

Prato, Aula Magna del Polo Universitario
La schiavitù in Europa dal Medioevo al XVIII secolo

The slavery in Europe from the Middle Ages until the 18th century

Relazioni e omunicazioni

Presidente della seduta / Chairman: Michele Cassandro

Salvatore Bono

Schiavi in Europa nell'età moderna. Varietà di forme e di aspetti

L'ampiezza del tema ha comportato ovviamente la scelta di alcuni punti: si è cercato di mostrare alcune caratteristiche proprie del fenomeno servile in Europa - nell'arco dell'età moderna, dal xvi secolo agli inizi del xix - segnato essenzialmente da una accentuata varietà di forme e di aspetti e insieme da diversità rispetto ad altre schiavitù ben più note, forse non senza una fondata ragione. La varietà si manifesta in modo duplice: nel corso del tempo e secondo gli spazi, dalle rive dell'Atlantico sino alle steppe ai confini fra l'Europa e l'Asia. Si è cercato anzitutto di mostrare in quale, sorprendente, misura questa realtà storica sia tuttora sconosciuta e di ciò si propone una spiegazione, muovendo appunto da un esame della storiografia[1].

La presenza in Europa di schiavi e schiave - ripeterò qualche volta questa doppia indicazione di genere ma in ogni caso essa è da tener sempre sottintesa - appare speculare ad un analogo fenomeno servile contemporaneamente in atto nei paesi islamici affacciati sul Mediterraneo, dove ovviamente gli schiavi erano europei. Le due schiavitù si collocano in effetti all'interno dello stesso mondo mediterraneo, inteso secondo la prospettiva di Fernand Braudel, esteso ben al di là del bacino geografico. Si può perciò parlare di una schiavitù mediterranea, con due versanti, uno appunto quello europeo, l'altro islamico, in una speculare 'reciprocità' che ne costituisce un tratto essenziale, forse unico fra le schiavitù della storia universale; la 'reciprocità' ha fra l'altro condotto a taciti accordi per alcune concessioni agli schiavi, in campo religioso specialmente, e per contenere provvedimenti restrittivi e punitivi[2].

La reciprocità non è stata invece condivisa da una terza rilevante componente servile, i neri africani; non vi furono infatti schiavi europei né ottomani ed arabi nell'Africa nera. Gli schiavi neri condivisero però, seppure in misura certamente inferiore, l'altra principale caratteristica della schiavitù in Europa, come nel mondo

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[1] Nell'ultimo ventennio la bibliografia è divenuta molto ampia; manca però una sintesi per l'intero continente. Per un primo orientamento si possono vedere le indicazioni bibliografiche nel capitolo di S. BONO, *La schiavitù in Europa e nel Mediterraneo*, nel volume *Ambiente, popolazione, società* della *Storia d'Europa e del Mediterraneo*, Roma 2009, pp. 539-584; dello stesso Bono è prossima l'edizione di un volume su *Schiavi in Europa e nel Mediterraneo (secoli XVI-XIX)*

[2] Sulla 'schiavitù mediterranea' si veda S. BONO, *Schiavi ottomano-maghrebini, neri e altri nel mondo mediterraneo. Un confronto (xvi-xix secolo)*, in *Transcultural Perspectives on Late Medieval and Early Modern Slavery in the Mediterranean*, a c. di J. SCHIEL, S. HANß, atti del convegno di Zurigo (settembre 2012), in corso di edizione ; sulla reciprocità: S. BONO, *Schiavi maghrebini in Italia e cristiani nel Maghreb. Proteste e attestazioni per la reciprocità di trattamento*, in "Africa", 49, 1994, pp. 331-351.

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantecinquesima settimana di studi", 14-18 aprile 2013*
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mediterraneo: la 'reversibilità', la possibilità cioè per ogni persona in condizione servile di cercare o di trovarsi di fronte alla via per tornare alla condizione di libero; e non si pensi soltanto al riscatto, via certamente meno facile per gli schiavi in Europa che non per gli europei sulle altre rive mediterranee.

Ma in Europa, come dall'altra parte del mare, oltre agli schiavi africani ne giungevano anche da regioni più lontane - questa è un'altra caratteristica - non solo dal mondo mediterraneo, ma dall'Asia estrema, dall'Atlantico, dal Nuovo mondo, come diremo, o viceversa, altri schiavi giungevano da molto vicino: erano ridotti in schiavitù ebrei o greci o balcanici di fede ortodossa, quando si presentavano come sudditi turchi; più genericamente vi erano schiavi cristiani che trafficanti senza scrupoli presentavano come non cristiani e gli stessi acquirenti non si ponevano troppe domande. Ebrei, ortodossi, altri potevano peraltro essere schiavi ovvero padroni di schiavi, sia nei loro paesi di residenza abituale, sia in Europa.

Il testo che segue è ripartito in quattro paragrafi: 1. *Il percorso della storiografia* ; 2. *Catture e importazioni. Da Lisbona a Vienna* ; 3. *Geografia della schiavitù in Europa* ; 4. *Schiavi: forza lavoro, investimento, prezzi*. Anticipiamo qualche punto d'insieme. Una attenzione più diffusa e più impegnata verso il fenomeno servile in Europa, è iniziata soltanto alla metà del secolo scorso: dapprima si ravvivò la convinzione, già propria degli storici ottocenteschi, di una prevalente presenza schiavile moderna soltanto di donne e di fanciulli presso le corti e presso altolocate famiglie, dove contribuivano al fasto e all'eleganza di quegli ambienti, servivano a ostentare ricchezza e potere dei padroni, offrivano loro il piacere di comandare a bacchetta altri esseri umani[3]. Costituivano dunque un bene di lusso non una forza lavoro, non un fattore di produzione e di sviluppo economico, come invece sono apparsi tipicamente schiavi e schiavitù presso altre società, perlopiù lontane nel tempo e nello spazio. Considerato sotto questa luce il fenomeno schiavile restava marginale, un residuo della schiavitù medievale, privo – questa era la logica conclusione – di apprezzabile rilevanza dal punto di vita economico e quindi dell'interesse storiografico. Man mano invece, negli anni 70-80 del secolo scorso, alcuni studiosi hanno cominciato a documentare che gli schiavi erano occupati in varie attività lavorative e produttive a vantaggio di privati e di pubbliche amministrazioni (presso le marine servivano in gran numero come galeotti al remo, e questo era già noto prima[4]); ne erano prova anche liste e statistiche di proprietari, nelle quali figuravano in buon numero artigiani, gestori di servizi vari e piccoli imprenditori, i cui schiavi contribuivano con il loro lavoro alle attività dei rispettivi padroni. Così la prospettiva delle ricerche cominciò a mutare, l'interesse per il fenomeno schiavile si

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[3] A. LUZIO, R. RENIER, *Buffoni, nani e schiavi dei Gonzaga ai tempi d'Isabella d'Este*, in "Nuova antologia", 16 agosto 1891, pp. 618-650; sui 'mori' in altri paesi europei: W. RUDT DE COLLENBERG, *Haus- un Hofmohren des 18, Jahrhunderts in Europa*, in *Gesinde in 18 Jahrhundert*, a c. di G. FRÜSORGE, Hamburg 1995, pp. 265-280; P. MARTIN, *Schwarze Teufel, edle Mohren. Afrikaner in Geschichte und Bewußtein der Deutschen*, Hamburg 2001, Il piacere di sottoporre altri esseri umani alla propria volontà, anche capricciosa e arbitraria, è stata teorizzata da P. CAGGIO, *Iconomica*, Venezia 1552, p. 46: «Dico che fra tutte le possessioni di noi, la più degna, la più gradita e la più eccellente è quella con che noi abbiamo sotto le volontà nostre l'altrui volere, com'è quel degli schiavi [...] quanto sarà lieto colui che può dominar gli uomini».

[4] Per indicazioni bibliografiche si rinvia alle note 33 e 65.

accrebbe, la bibliografia si andò arricchendo, sino all'accelerato e variegato sviluppo di questi ultimi anni[5].

Aver riconosciuto aspetti e fattori di carattere economico della presenza schiavile in Europa - e più largamente, nel mondo mediterraneo[6]- non significa però aver accertato e poter proclamare il carattere schiavista di alcuna società europea, nel senso che in queste società europee la componente schiavile non ha costituito un fattore essenziale e determinante della vita economica. Ciò era invece accaduto presso la maggior parte delle schiavitù esistite nel corso della storia e nelle diverse parti del mondo, schiavitù analizzate e classificate da studiosi di diverse specializzazioni disciplinari. Anche dove si sono raggiunte le percentuali più elevate di presenza servile sul totale della popolazione si può parlare soltanto di 'società con schiavi'[7].

Nel frazionamento di fronti, di situazioni, di forme di schiavitù sino ai casi sparsi ancora nei primi anni dell'Ottocento, le dimensioni complessive del fenomeno sono del tutto sfuggite sino ai nostri giorni; salvo pochi casi, parziali e limitati, degli schiavi in Europa non si davano, anche quando se ne parlava, valutazioni quantitative, neppure, in verità, ci si poneva quel quesito. La nuova ondata di studi ha fatto sì che si sia cominciato a precisare le dimensioni del fenomeno servile di cui parliamo, dapprima si sono reperiti e calcolati dati per alcune città o stime per spazi più ampi, ultimamente si cerca di farne un calcolo complessivo; in questa prospettiva ho avanzato stime per la schiavitù mediterranea e dunque anche per la parte europea: per i tre secoli dal Cinquecento al Settecento, e in particolare nel primo secolo e mezzo, si può pensare che siano stati immessi dall'esterno in Europa ovvero siano stati ridotti in condizione di schiavitù all'interno stesso dell'area europea (poco si può attribuire ad una autoriproduzione) da un milione e mezzo a due milioni e mezzo di individui; si tratta di valutazioni piuttosto prudenti in attesa di dati e calcoli meglio fondati[8].

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[5] Si vedano, per esempio, le sette pagine di *Nota bibliografica* con voci tutte edite fra il 2000 e il 2011 a corredo della presentazione del fascicolo *Schiavi europei e musulmani d'Oltralpe (sec. XVI-XIX)*, a c. di S. BONO, in "Oriente moderno", 91, 2011, pp. XIII-XX (V-XX).

[6] Alludiamo ai contributi di Wolfgang Kaiser, del quale ricordiamo: W. KAISER, *Echanges non coopératifs en Méditerranée. Les rachats de captifs aux XVIe-XVIIe siècles*, in *Contraintes et libertés dans les sociétés méditerranéennes aux époques modernes et contemporanéennes, XVIe-XXe siècles*, a c. di S. BOUBAKER, A.ZYSBERG, Caen-Tunis 2007 pp. 163-174; IDEM, *Frictions profitables. L'économie de la rançon en Méditerranée occidentale (XVI-XVII siècles)*, in *Ricchezza del mare. Ricchezze dal mare*, a c. di S. CAVACIOCCHI, Firenze 2006, pp. 689-711; IDEM, *Les «hommes de crédit» dans les rachats provençaux (XVIe-XVIIe siècles)*, in *Le commerce des captifs. Les intermédiaires dans l'échange et le rachat des prisonniers en Méditerranée, XVIe-XVIIIe siècle*, a c. di IDEM, Roma 2008, pp. 291-319.

[7] Le interpretazioni e 'sistemazioni' di opere come quelle di O. PATTERSON, *The Social Death. A Comparative Study*, Cambridge (Mass.)-London 1982 e di M.L. BUSH, *Servitude in Modern Times*, Cambridge 2000, nel complesso non rispondono ai dati della schiavitù in Europa, alcune osservazioni di Bush sono comunque più pertinenti.

[8] Anche su questo punto una trattazione più estesa sarà offerta nella relazione menzionata in nota 2 e tanto più nel volume menzionato nella nota 1.

IL PERCORSO DELLA STORIOGRAFIA

Appare opportuno iniziare da uno sguardo alla storiografia, poiché esaminarne il percorso conduce di per sé a evidenziare qualcosa di essenziale nel fenomeno in questione. Della schiavitù in Europa si è a lungo taciuto, lo si è già detto e lo notava qualcuno già nell'Ottocento; ancora nell'ultimo ventennio studiosi del tema hanno scritto della sorpresa con cui hanno incontrato il tema o quando l'hanno proposto ai loro studenti[9] . Ogni discorso sulla schiavitù in Europa riporta alla mente le nostre radici classiche, la Grecia e Roma, due civiltà segnate da grandi valori, nostra preziosa eredità, ma anche due società schiaviste; piuttosto a lungo e diffusamente si è ritenuto che l'avvento del cristianesimo avesse di per sé condotto quel fenomeno a un completo declino, ma gli storici medievisti hanno ben presto mostrato la persistenza di forme servili nell'Alto medioevo e poi una ripresa della presenza schiavile, e precisamente della importazione di schiavi 'orientali', dal secolo XIII a tutto il XV[10]. Che nel secolo XVI la schiavitù domestica nelle regioni d'Europa dove era in precedenza diffusa si andasse completamente esaurendo, è stata l'opinione comune degli studiosi, sia pur con qualche differente sfumatura e con il cenno da parte di qualcuno al prolungato impiego di schiavi nelle galere; quanto all'Italia in particolare «se proprio non si poteva negare o tacere che la schiavitù avesse varcato l'età medievale, si cercava almeno di segnarne presto la fine»[11]. Alle affermazioni sul declino e l'esaurirsi della schiavitù si può anche riconoscere un fondamento, se si riferivano alla cessazione delle correnti di importazione - nei paesi europei dell'occidente mediterraneo - di schiavi provenienti dal Levante e originari da regioni dell'estrema Europa orientale e da paesi circostanti il Mar Caspio; non si tenne conto però che altri afflussi servili giungevano in Europa e che per diverse vicende altre genti venivano ridotte in schiavitù, come diremo.

Uno studioso ottocentesco, il padre domenicano Alberto Guglielmotti – storico della Marina pontificia – osservava nel 1884 che mentre si parlava molto «degli schiavi cristiani in Barberia, degli schiavi musulmani tra noi non trovo veruno cui ricorrere per notizie e confronti»[12]; nelle conoscenze diffuse fra gli storici occidentali si è ritenuto sin quasi ai nostri giorni che dopo l'età medievale soltanto le rive musulmane del grande mare interno avessero conosciuto la schiavitù e che di

[9] Così M. BARRIO GOZALO, *La esclavitud en el Mediterráneo occidental durante el siglo XVIII. Los 'esclavos del Rey' en España*, in "Critica storica", 17, 1980, p. 199-256, 200, confessa di non aver saputo di «esta gran masa de esclavos del Rey de raza mora y de religión musulmana» e ancora un decennio fa M.J. IZCO REINA, *Amos, esclavos y libertos. Estudios sobre la esclavitud en Puerto Real durante la Edad moderna*, Cadiz 2002, pp. 17-18, ha scritto che prima di inoltrarsi nelle ricerche «riteneva incredibile che sino a due o tre secoli fa vi fossero ancora schiavi in Europa». Gli studiosi convergono nel considerare società schiaviste quelle dove la popolazione schiavile toccava il 25-30 per cento.

[10] Sulla schiavitù medievale in Europa, dopo la monumentale opera di CH. VERLINDEN, *L'esclavage dans l'Europe médiévale*, I-II, Gent 1955-1977, si veda J. HEERS, *Esclaves et domestiques au Moyen Age dans le monde méditerranéen*, Paris 1981.

[11] S. BONO, *Schiavi musulmani nell' Italia moderna. Galeotti, vu' cumprà, domestici*, Napoli 1999, pp. 1-13 (*Una storia taciuta*), citazione da p. 5.

[12] A. GUGLIELMOTTI, *Gli ultimi fatti della squadra romana da Corfù all'Egitto. Storia dal 1700 al 1807*, Roma 1884, p. 94.

essa siano stati appunto vittime gli europei[13]. Nonostante una successiva sparsa messe di singoli contributi, più o meno frammentari, sin verso la fine del secolo scorso si doveva ancora lamentare l'assenza di uno studio adeguato sulla schiavitù 'moderna' in Italia[14]; la stessa constatazione poteva farsi per l'assenza di adeguati lavori di sintesi concernenti la penisola iberica nel suo insieme, e altrettanto valeva per Malta e per altri spazi europei in altre epoche.

Si possono supporre diverse ragioni per questo prolungato silenzio e per la diffusa tendenza a sminuirne la durata nel tempo, le dimensioni, la rilevanza sociale. E' ragionevole ritenere che ogni schiavitù sia stata 'imbarazzante' – Patterson l'ha definita una *embarrassing institution* – imbarazzante per noi europei poiché mentre vantavamo nei confronti di altri popoli la superiorità dei valori della nostra civiltà – e fra questi la libertà, la dignità, l'uguaglianza degli esseri umani – e accusavamo gli altri di aver praticato e tollerato forme diverse di schiavitù, dovevamo riconoscere la permanenza e la diffusione nella stessa Europa di una presenza schiavile anche dopo la Rivoluzione francese[15].

Ne è derivato un lungo silenzio, come si è detto, del quale si deve cercare una plausibile spiegazione. Ma guardiamone prima l'estensione nel tempo. Dagli anni 70-80 del secolo scorso le ricerche e le pubblicazioni sugli schiavi in Europa hanno avuto un costante e notevole sviluppo almeno per i paesi nei quali quella presenza schiavile è stata più rilevante: Spagna, Portogallo, Italia, Malta, secondo la geografia politica attuale. Aggiungiamo subito che gli studiosi spagnoli hanno offerto una abbondante produzione, concernente città grandi e medie e anche località minori. Di fronte ad una imponente bibliografia, per non dire delle fonti ricchissime ulteriormente disponibili, nessuno ha voluto sinora affrontare una sintesi per l'intera Spagna[16].

Può essere interessante a questo punto considerare un momento come gli eredi delle altre due componenti, vittime della schiavitù in Europa, abbiano guardato quella realtà storica. Per quanto concerne gli africani, studiosi neri, d'America o residenti in Europa hanno cominciato a parlarne negli anni '70, nei termini di una 'diaspora' africana ; in precedenza, dagli inizi del secolo scorso, nel contesto di una rivendicazione politica dei neri d'America, vi era stato un forte richiamo ai capitoli

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[13] M. LOBO CABRERA, *La esclavitud en España en la Edad moderna: su investigación en los últimos cincuenta años*, in "Hispania", 176, 1990, pp. 1091-1104, 1092, parla di una protratta «creencia de que en España no existió esa institución».

[14] J. HEERS, *Esclaves*, cit. , p. 122 : «La persistance de cet esclavage 'moderne' en Italie mériterait certainement une étude plus attentive».

[15] La definizione *embarrassing institution* è di O. PATTERSON, *The Social Death*, cit. ; W.G. CLARENCE-SMITH, *Islam and the Abolition of Slavery*, Oxford 2006, p. 1 ha rilevato, come altri, la tendenza al silenzio: «Slavery is a topic that all too often encourages silence».

[16] Nell'ampia bibliografia sull'insieme o su singole località della penisola iberica ricordiamo: V. CORTÉS ALONSO, *La esclavitud en Valencia durante el Reinado de los Reyes católicos*, Valencia 1964; J.R. TIÑHORAO, *Os negros em Portugal. Una presença silenciosa*, Lisboa 1988; D. LAHON, *O negro no coração do império*, Lisboa 1999; A. MARTÍN CASARES, *La esclavitud en la Granada del siglo XVI* , Granada, 2000 ; A. STELLA , *Histoires d'esclaves dans la péninsule ibérique*, Paris 2000. Su Malta : G. WETTINGER, *Slavery in the Islands of Malta and Gozo, ca. 1000-1812*, La Valletta 2002; su l'Italia S. BONO, *Schiavi musulmani*, cit.

dolorosi della tratta e della schiavitù atlantiche, tornate prepotentemente all'attenzione, come è noto, in questi ultimi dieci-quindici anni[17].

Quanto ai musulmani - a parte l'incidenza di un relativo minore sviluppo della loro storiografia sull'età moderna - appare evidente che essi hanno preferito tacere sulla loro presenza servile in Europa per un duplice sentimento: un senso di vergogna per aver subito quella umiliazione ed insieme un senso di colpa per esser stati essi stessi fruitori della presenza di schiavi e sfruttatori della cattura e del traffico sia di europei sia, e in misura maggiore, di neri. Presso i musulmani, e più fortemente presso gli arabi che non presso i turchi, nella reticenza e nel rifiuto di indagare e di divulgare conoscenze a proposito anche della schiavitù subita, ha pesato e pesa ancora la propensione, sentita come un dovere, a rimuovere e dimenticare una esperienza considerata umiliante per le singole vittime e per il mondo dell'islàm nel suo insieme. Questa spiegazione è stata di recente resa esplicita da alcuni autori di cultura musulmana: «La cattività, – ha scritto uno di loro - una parentesi da dimenticare, una prova (*mihna*) dolorosa e vergognosa, un ricordo terribile che bisogna assolutamente lasciare dietro di sé». Questo sentimento si ritrova peraltro attestato nelle fonti: il marocchino Ibn al Qadi in una lettera al sultano dice: «Non si scrive della sofferenza che non è per la gloria dell'Islàm e dell'umanità, ma la si racconta soltanto oralmente»[18]. La stessa ritrosia a scrivere della dolorosa esperienza servile si ritrova nel turco Mustafa Magiungiuzade, detenuto a Malta negli ultimi anni del Cinquecento, il quale nel suo diario in versi scrive:

> *Non chiedere cosa soffra il prigioniero,*
> *Non si può dare risposta,*
> *Non si può contare tutto il male*
> *Sopportato sotto il potere dell'infedele*[19].

Da tutte le tre parti in causa, come vittime o come attori della schiavitù mediterranea il lungo silenzio è stato ormai rotto, gli studi sulla presenza servile in Europa si moltiplicano e si approfondiscono, pur se potrà ancora molto estendersi lo spazio al quale si rivolgono, e spero fare un cenno in proposito. Permane però e si aggrava un altro silenzio, del quale anche dobbiamo cercare una spiegazione. Se guardiamo le opere generali sulla schiavitù, e in particolare le storie 'universali' – come si diceva un tempo – di questo fenomeno così diffuso nelle società umane, non troviamo nulla, dico nulla, sulla schiavitù in Europa dopo l'età medievale e

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[17] B. KAKÉ, *Les noirs de la diaspora*, Libreville 1976 ; H.W. DE BRUNNER, *Presence and Prestige. Africans in Europe*, Bern 1979. In questo vario contesto si è giunti a contributi nuovi come quello di M. KOUFINKANA, *Les esclaves noirs en France sous l'Ancien régime (XVIe-XVIIIe siècles)*, Paris 2008, con prefazione di B. BENNASSAR.

[18] H. LOUKILI, *D'une captivité musulmane à l'autre : un lettré au xvie siècle et une* hâjja *au xviiie siècle*, in *Captifs en Méditerranée (XVIe-XVIIIe siècles). Histoires, récits et légendes*, a c. di F. MOUREAU, Paris 2008, pp. 37-47, 39 e 46.

[19] W. SCHMUCKER , *Die maltesischen Gefangenschaftserinnerungen eines türkischen Kadi von 1599*, in "Archivum ottomanicum", 2, 1970, pp. 191-251.

spesso quel vuoto concerne anche il Medioevo (ed anche il lato 'islamico' della schiavitù mediterranea).

Il silenzio della storiografia sino agli ultimi decenni ha lontane radici. Non ci stupisce certo che nella *Histoire de l'esclavage ancien et moderne* del 1880, di Amedé Villard-Tourmagne come nella *History of Slavery and Serfdom* di John Kells Ingram (1895) non si dica nulla; sino ad allora ben poco si era scritto sulla schiavitù in Europa[20]. Anche in altre opere – molto diverse tra loro per approcci, concezioni, qualità – della schiavitù nel mondo mediterraneo moderno o non si parla affatto o se ne fanno cenni in poche pagine; quasi senza eccezioni è l'assenza completa di cenni alla presenza di schiavi in Europa dal sec. XVI in poi, e il silenzio proseguì sino a tutto il secolo scorso, in molti casi anche a proposito del versante islamico, cioè della schiavitù di europei in quei paesi, in particolare nel Maghreb. Un sintomo significativo di questa 'resistenza' alla 'recezione' della schiavitù mediterranea come un aspetto, sempre meglio noto, della schiavitù, lo si può riscontrare nelle voci delle grandi enciclopedie, dalla *Enciclopedia italiana* (1936) alle più importanti di altri paesi. Nella Enciclopedia italiana – una delle migliori a suo tempo – la 'voce' schiavitù è ripartita in tre sezioni: *Presso i primitivi*, e ne è autore un etnologo (Raffaele Pettazzoni), *Nell'antichità* e poi *Medioevo ed età moderna* , redatte dallo storico economico Gino Luzzatto; egli menziona i primi africani condotti a Lisbona dai portoghesi nel 1444 e qualifica la capitale lusitana come «per più di un secolo il maggior mercato schiavista d'Europa», ma poi per altre due fitte pagine dei grandi volumi enciclopedici tratta soltanto della schiavitù nel Nuovo mondo; Luzzatto non poteva a quel tempo se non recepire il quasi completo vuoto di conoscenza relativamente all'Europa. Questo schema si ripete in altre enciclopedie e in storie generali della schiavitù[21].

Nulla di strano dunque se in una delle poche storie del Mediterraneo precedenti la *Méditerranée* di Braudel, quella dell'italiano Pietro Silva (1927) non vi sia alcun cenno al fenomeno servile, e ci sorprende invece favorevolmente che nel brillante volume sul *Mediterraneo* (1923) non di uno storico, ma di un giornalista e divulgatore, Emil Ludwig, venga almeno ricordato che «da schiavitù dei galeotti, elemento determinante della navigazione mediterranea [...] continuò nel

[20] Tourmagne è lo pseudonimo di Amedée Villard; quanto alla schiavitù mediterranea fa riferimento solo a quella derivata dall'attività corsara dei barbareschi o comunque di musulmani, non degli europei, A. VILLARD-TOURMAGNE, *Histoire de l'esclavage ancien et moderne* , Paris 1880, pp. 242-243. Nei nove capitoli di Ingram si tratta di schiavitù nell'antichità, di servaggio, di schiavitù dei neri africani in America e nell'Oriente musulmano: J-K. INGRAM, *A History of Slavery and Serfdom*, London 1895. Nelle pp. 192-196 dell'Appendice si offre un cenno alla schiavitù e al riscatto presso i *Berber-Korsaren*.

[21] *Schiavitù*, in *Encidopedia italiana*, XXXI, Roma 1936 : R. CORSO, *Presso i primitivi*, pp. 79-80; U.E. PAOLI, *Nell'antichità*, pp. 80-84, G. LUZZATTO, *Medioevo ed età moderna*, pp. 84-87; *Schiavitù*, in *Enciclopedia cattolica*, XI, Firenze 1953 : E- DEGANO, *Schiavitù*, V. *La schiavitù nei tempi moderni. La tratta dei negri*; VI. *L'opera della Chiesa*, pp. 55-58. Nel volume-dizionario *Slavery*, a c. di S.L. ENGERMANN, S. DRESCHER, R.PAQUETTE, Oxford-New York 2001, vi è la voce *Mediterranean* (pp. 271-274), redatta da W.D. PHILLIPS, che ne tratta come di una realtà medievale e principalmente islamica. E' già tanto che aggiunga: «The existence of slavery in Renaissance Italy was pervasive», e che vi erano « numerous slaves of various ethnic origins in the peninsula»; l'unico dato è un censimento veneziano del 1563 che dà *only* il 7-8 per cento di *servants free persons as well as slaves*» (pp. 272-273).

Mediterraneo durante tutto il periodo fra l'anno 1500 e l'anno 1800»[22]. Nella prestigiosa collana editoriale francese *Que sais-je?* il volumetto sulla schiavitù (1955) ammette soltanto, quasi con una estremo eco della protratta reticenza: «Quando per combattere le flotte infedeli, quelle cristiane si coalizzeranno, dovranno a loro volta decidersi a razziare le infelici isole del Mediterraneo,terrorizzate, per armare le galere d'Austria, Spagna,Venezia e Malta»[23]. Guardiamo agli anni del nostro secolo, sino ai più vicini. Nel volume di Christian Delacampagne, *Histoire de l'esclavage. De l'antiquité à nos jours* (Paris 2002), si afferma nettamente che in Europa occidentale dopo il 1492 non vi è più stata schiavitù domestica [24] . James Walvin – uno studioso autorevole e conosciuto, specialista di storia della tratta e della schiavitù atlantiche – nel 2007 ha pubblicato una *Short History of Slavery*, una storia volutamente breve ma 'generale'; delle quattro 'parti' però, tre riguardano la tratta, la schiavitù nel continente americano e l'abolizione della *pecular institution.* La prima parte, *Slavery before modernity* – meno d'una trentina di pagine su trecento - offre un panorama sulla schiavitù nel mondo classico, nell'Europa medievale, nel mondo islamico; gli studiosi statunitensi invero nel quadro della schiavitù 'moderna' tendono a considerare quasi esclusivamente quella americana. Non fanno meglio gli studiosi europei: l'antichista tedesco Egon Flaig nella sua *Weltgeschichte der Sklaverei* (München 2009) segue lo schema tradizionale (età antica, islàm, Atlantico). In Italia, infine, una giovane studiosa, Patrizia Del Piano, in una sintesi più specifica su *La schiavitù in età moderna* (Roma-Bari 2009) dedica sei pagine alle *Schiavitù europee*, in concreto fa un cenno soltanto alla schiavitù nera nella penisola iberica, ma nulla di più; l'Italia non appare nell'indice dei nomi, il discorso si rivolge del tutto all'altra parte dell'Atlantico. Ancor più clamoroso il silenzio – per usare un abusato ossimoro - se guardiamo a opere recenti di prestigiosi editori, così la *Routledge History of Slavery* (2011) , mentre la *Cambridge World History of Slavery* in corso di edizione dallo stesso anno, con il contributo di W.G. Clarence-Smith e D. Eltis inserisce finalmente la schiavitù mediterranea nel panorama mondiale.[25]

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[22] P. SILVA, *Il Mediterraneo dall'unità di Roma all'impero italiano*, Milano 1937; E. LUDWIG, *Mediterraneo*, Milano 1950, p. 535. Un cenno agli schiavi musulmani al remo anche in PFAFF-GIESBERG, *Die Sklaverei*, Meisenheim/Glan 1955, e in R. DE BELOT, *La Méditerranée et le destin de l'Europe*, Paris 1961, p. 69, che ricorda i *captifs maures et turcs* dei bagni europei.

[23] M. LENGELLÉ, *L'esclavage*, Paris 1955, p. 69.

[24]Quella affermazione conclude la trattazione della prima parte (*Antichità e Medioevo*, 3000 a.C. – 450 d.C.); seguono la II parte (*Schiavitù e tratta transatlantica nell'età dell'espansione europea (1450-1865)* e la III (*Dalla colonizzazione dell'Africa al presente).*

[25] *The Routledge History of Slavery,* London 2011; W.G. CLARENCE SMITH, D. ELTIS, *White Servitude*, in *The Cambridge World History of Slavery*, III, *AD 1420-AD 1804*, a c. di D. ELTIS, S.L. ENGERMAN, Cambridge 2011, pp. 132-159. Una riprova che della schiavitù in Europa ancora si taccia viene proprio da un articolo 'comparativo' : M. BIEZUNSKA-MALOWIST , *L'esclavage antique et moderne: les possibilités de recherches comparées*, in *Mélanges Pierre Lévêque*, Paris 1989, II, pp. 17-31.

Come mai di tutta la presenza di schiavi in Europa dal Cinquecento all'età napoleonica nelle storie generali della schiavitù non si dice nulla? Tanto più 'strano' questo silenzio poiché il tema schiavitù, nelle sue presenze più vistose nella storia dell'umanità, è diventato prepotentemente di moda in occasione delle note ricorrenze, centenarie e più, delle prime abolizioni. Al di là delle lacune di conoscenza o di percezione del rilievo del fenomeno, credo che il principale motivo sia che gli studiosi della schiavitù, di tante altre schiavitù, in quella 'europea moderna' non hanno trovato ciò che per essi è abituale trovare in altre forme servili: un 'sistema', una spiegazione ordinata e compiuta, della genesi e della struttura di tutto il fenomeno. Numerosi volumi e contributi sulla schiavitù richiamano sin dal titolo il 'sistema'; nessuno che io sappia ha usato questo termine a proposito della schiavitù mediterranea[26]. All'impossibilità di ricondurre la schiavitù di cui trattiamo a uno specifico sistema o ad uno dei sistemi già individuati per altre parti del mondo si aggiunge il fatto che il fenomeno servile nell'Europa moderna per le sue stesse dimensioni – la percentuale schiavile rispetto all'intera popolazione - non ha costituito, come già si è detto, un fattore determinante nell'insieme dello sviluppo delle società europee in quei secoli, mentre la schiavitù è stata nella maggior parte delle società che l'hanno praticata un essenziale fattore economico; le società europee dell'età moderna al loro interno non sono state 'società schiaviste' ma soltanto 'società con schiavi'.

In Europa, come nell'insieme del mondo mediterraneo, incontriamo piuttosto aspetti e tratti di sistemi servili diversi o di altre eterogenee forme di dipendenza, con accentuate distanze degli estremi, con influenze, interferenze e sovrapposizioni fra loro, con molta mescolanza di elementi e di fattori[27]. Forse per questo dunque gli studiosi hanno spesso preferito presentare la varietà degli scenari, riferire situazioni concrete, moltiplicare i casi individuali. Non pochi studiosi l'hanno segnalato con parole diverse: un pioniere come Miguel Angel Ladero Quesada ha detto con incisiva semplicità che fra gli schiavi «vi erano tante differenti situazioni quante persone»[28].

Nell'assenza di un sistema unitario si può scorgere una molteplicità e un frazionamento di sistemi: vi è un estremo protrarsi ed esaurirsi della schiavitù medievale, domestica ma anche di piantagione, il sopraggiungere di una tratta

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[26] Ecco alcuni titoli che richiamano i 'sistemi': H.G. NIEBOER, *Slavery as an Industrial System. Ethnological Researches*, Haya 1900[2]; *Asian and African Systems of Slavery*, a c. di J.L. WATSON, Oxford 1980, l'introduzione dello stesso Watson si intitola *Slavery as an Institution, Open and Closed Systems*, pp.1-15; *Slave Systems: Ancient and Modern*, a c. di E. DAL LAGO, Cambridge 2008. Uno dei primi richiami al 'sistema' si trova in J-K. INGRAM, *A History of Slavery and Serfdom*, London 1895, citiamo secondo la traduzione tedesca l'appendice VII : *Die Sklaverei als ein Industriesystem.*

[27] Molteplici altri motivi di caduta in schiavitù li elenca V. GRAULLERA SANZ, *La esclavitud en Valencia en los siglos XVI y XVII*, Valencia 1978.

[28] M.A. LADERO QUESADA, *La esclavitud por guerra a fines del siglo xvi: el caso de Malága*, in "Hispania", 27, 1967, pp. 63-88, 80; A. STELLA, *Histoires d'esclaves*, cit., p. 28, rileva la «complessità di rapporti di dipendenza personale chiamati schiavitù e di casi (*figures*) irriducibili a una condizione uniforme » ; una osservazione analoga in F. ORSONI-AVILA, *Les esclaves de Lucena (1539-1700)*, Paris 1997, p. 68. Sui neri nel mondo islamico J.O.HUNWICK, E. POWELL, *The African Diaspora in the Mediterranean Lands of Islam*, Princeton 2002, p. xxvii, affermano che «many faces [...] its diversity constantly surprises us».

dall'Africa verso la penisola iberica, l'interrompersi della tratta dal Mar Nero per l'ormai dominante presenza ottomana, l'estendersi, in conseguenza della guerra corsara mediterranea, di una 'schiavitù di prossimità', lo svolgersi nel mondo mediterraneo di un confronto di forze fra due 'campi' - confronto prevalentemente marittimo sino a Lepanto e a Candia, prevalentemente terrestre dal secondo assedio di Vienna - confronto nel cui corso si 'producevano' e 'distruggevano' migliaia e migliaia di schiavi, ma con l'andare del tempo quasi come un semplice 'effetto collaterale'.

Tutto sommato, agli studiosi della schiavitù è perciò verosimilmente parso arduo e di scarso profitto sintetizzare la presenza schiavile in Europa, nel suo vasto e variegato insieme, nelle poche pagine di una storia 'universale' della schiavitù, tanto più che nella dispersione e nel frazionamento suoi propri la schiavitù mediterranea poteva sembrare e a qualcuno ancora sembra un fenomeno di dimensioni molto ridotte e senza alcuna rilevanza economica e sociale. Non sembri poi così 'anomala' l'esistenza di una forma di schiavitù con rilevanza ben più 'sociale', in ampio senso, che non propriamente economica; questa differenza fra le schiavitù è stata teorizzata in un saggio, ben poco noto, dell'antropolo-economista Frederic Pryor che ha preso in considerazione sessanta società, di cui una soltanto nell'ambito europeo[29].

CATTURE E IMPORTAZIONI, DA LISBONA A VIENNA

La presenza di schiavi in Europa si connette con alcuni mutamenti fondamentali nella situazione mediterranea al passaggio fra l'età medievale e quella moderna, secondo la cronologia convenzionale; quei mutamenti fra loro indipendenti o connessi in modo indiretto, partono peraltro, come stiamo per dire, dagli anni intorno alla metà del Quattrocento.

La prima 'novità' fu l'afflusso diretto dalle coste occidentali africane di schiavi neri, risultato della intrapresa circumnavigazione del continente da parte dei portoghesi per impulso di Enrico il Navigatore; nel 1444 i primi schiavi sbarcarono a Lisbona e cominciarono a diffondersi nella penisola iberica e da lì, nei decenni successivi, ad altre parti d'Europa, anzitutto l'Italia, in gran parte sottoposta allora alla sovranità spagnola; in quel decennio arrivarono annualmente meno di mille schiavi, ma man mano quel numero si accrebbe e si può ritenere raggiunto, entro i primi anni del Cinquecento, un totale di 150 mila individui [30]. Continuava peraltro il millenario arrivo di neri, attraverso la tratta transahariana, dall'Africa sudanese e a sud Sahara sino alle coste maghrebine e da qui, in qualche misura, verso l'Europa. Secondo la cronologia, l'altra situazione nuova nell'assetto mediterraneo si

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[29] F.L. PRYOR, *A Comparative Study of Slave Societies*, in "Journal of comparative economics", 1, 1977, pp. 1-102, 28-30. L'approccio complessivo è antropologico e non storico; la maggior parte delle società elencate sono gruppi umani marginali, comunque ristretti: per l'Europa si cita soltanto la Serbia, senza altra precisazione, e per lo spazio mediterraneo Turchia, Tunisia e Algeria, con riferimento ai Tuareg.

[30] M.R. PIMENTEL, *O escravo negro na sociedade portuguesa até mediados do século XVI*, in *Bartolomeu Dias e a sua época*, IV, Porto 1989, pp. 165-177, 167-169.

determina a seguito della conquista ottomana di Costantinopoli (1453) e del conseguente diretto controllo da parte ottomana del passaggio dal Mar Nero all'Egeo, dunque dell'ostacolo frapposto e del progressivo esaurirsi dell'afflusso di schiavi dalle regioni affacciate su quel mare interno verso l'Europa mediterranea.

Al di là di singoli eventi un dato nuovo nella 'produzione' di schiavi nella penisola iberica, in particolare nella Spagna, deriva dalle operazioni militari dell'ultima fase della *Reconquista*; ricordiamo la conquista di Malaga nel 1487, con un bottino di circa quindicimila schiavi e poi la resa di Granada; ufficialmente i patti di resa dello stato islamico andaluso, sopravvissuto sino allora, avevano escluso ogni cattura di persone ma di fatto in quelle situazioni accadevano in certa misura abusi e atti illegali. Si aggiunga che sulla scia della conclusa riconquista, gli spagnoli per garantire sicurezza alla penisola avviarono ben presto ulteriori occupazioni di località maghrebine, occasioni anche queste per la riduzione in schiavitù e il trasferimento sul suolo europeo di combattenti e di popolazione locale[31].

Su un piano più generale l'accendersi dagli inizi del Cinquecento del confronto fra la Spagna e i suoi alleati europei e dall'altra parte l'impero ottomano e i suoi alleati maghrebini, determinò un'altra novità, forse la più rilevante nella schiavitù mediterranea moderna rispetto all'età medievale: l'afflusso schiavile non derivò più essenzialmente da una tratta organizzata dal Levante verso occidente ma venne prodotto dalla cattura di persone nel vario contesto di eventi bellici marittimi – in gran parte di attività corsara – ma anche di eventi terrestri, dal concludersi della *Reconquista* sino alla battaglia di Lepanto, per meglio dire sino al decennio di Lepanto che vide ancora la conquista spagnola e la riconquista islamica di Tunisi (1573-1574) e infine la battaglia dei tre re nell'estremo Maghreb, fruttuosa di schiavi per l'impero marocchino (Alcázarquivir, 4 agosto 1578)[32].

Nella complessità di fattori e di aspetti che segnano la schiavitù europea, e nel suo insieme quella mediterranea, richiamiamone un altro, che spinse a intensificare la cattura diretta di uomini da ridurre in schiavitù: il rapido incremento dell'esigenza di rematori per navi e flotte europee che dovevano confrontarsi nel Mediterraneo contro ottomani e barbareschi e il ridursi per contro della disponibilità di uomini liberi ad accettare quell'impiego, minore disponibilità dovuta forse anche al crescente rischio di cadere in schiavitù se catturati dal nemico 'infedele', qualifica ovviamente reciproca. Nella attuale esposizione guardiamo questi mutamenti dalla prospettiva europea, ma ovviamente alcuni si verificarono specularmente dall'altra parte o comunque vi ebbero conseguenze, simili o differenti[33].

Nell'immaginario comune, anche degli studiosi direi, le catture di schiavi derivano anzitutto dall'attività corsara, dagli scontri sul mare e dalle incursioni a

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[31] M.A. LADERO QUESADA, *La esclavitud* , cit. e E. DEL PINO, *Esclavos y cautivos en Malaga*, Malaga 2001.

[32] S. BONO, *Tunisi e la Goletta negli anni 1573-1574*, in "Africa", 31, 1976, pp. 1-39; IDEM, *L'occupazione spagnuola e la riconquista musulmana di Tunisi (1573-1574)*, in "Africa", 33, 1978, pp. 351-382; F. BRAUDEL, *Civiltà e imperi del Mediterraneo nell'età di Filippo II,* Torino 1986, pp. 1265-1269, sulla battaglia dei tre re.

[33] P.W. BAMFORD, *Fighting Ships and Prisons. The Mediterranean Galleys of France in the Age of Louis XIV*, Minneapolis 1973; A. ZYSBERG, *Les galériens, Vie et destins de 60000 forçats sur les galères de France 1680-1748*, Paris 1987.

terra, eventi caratteristici della quotidianità mediterranea nell'età moderna, ed il tema attuale mostra che quella attività fu esercitata con pari efficacia anche da parte europea. Ma in effetti i grandi conflitti, sia marittimi che terrestri, che specialmente sino all'intero decennio Settanta del Cinquecento hanno segnato la storia mediterranea, produssero gran numero di schiavi, forse comparabile a quello conseguente all'attività corsara. Delle operazioni corsare conosciamo spesso con precisione i risultati in termini di persone catturate; si possono dunque fare alcune somme parziali dell'attività di singoli operatori per determinati periodi, ma se si esamina più da vicino lo svolgimento di quegli eventi e tutto il contesto, ci si rende conto, a mio avviso, che quelle somme parziali sono comunque poco significative e consentono con difficoltà valutazioni e proiezioni. Quanto ai grandi eventi, per loro natura più rilevanti, le fonti spesso tacciono del tutto sul numero delle persone catturate o danno stime al massimo indicative di un ordine di grandezza; chi scriveva, infatti, facilmente poteva tendere ad accrescere le cifre dei catturati per enfatizzare la portata del successo, ma spesso poteva avere interesse a nasconderne o ridurne l'entità, pubblicamente resa nota. Per i corsari privati ed altri occasionali operatori di catture la preoccupazione prevalente era quella di evitare e quanto meno di ridurre l'imposizione fiscale (ogni schiavo importato doveva pagare un dazio, in Spagna detto il *quinto* spagnolo, dalla sua misura; in misure e forme analoghe si ritrova presso le amministrazioni di altri stati). Numerosi eventi bellici miravano peraltro in una prospettiva strategica alla occupazione o al danneggiamento, sino alla distruzione, di una località o di una struttura militare; la cattura di schiavi costituiva soltanto un positivo 'effetto collaterale'[34].

L'attività corsara perseguiva invece più direttamente l'intento di acquisire un bottino, di persone e di beni, da commercializzare, tanto più se si trattava di corsari privati, al fine di distribuire compensi e profitti. Nella loro attività si può certo scorgere una fondata motivazione economica; l'attività degli ordini cavallereschi e delle flotte statali non può però del tutto ricondursi in termini semplicemente economici; basti considerare l'alto costo in vite umane – di comandanti, ufficiali, equipaggi e ciurme, anche di schiavi dunque – spesso pagato per risultati comparativamente modesti. Michel Fontenay, cui dobbiamo molto per la conoscenza del 'corso', come gli preferisce dire, nel Mediterraneo, ha evidenziato che i cavalieri di Malta non 'guadagnavano' dall'esercizio della corsa ma la loro attività, vista come lotta di difensori della cristianità dalla violenza degli infedeli, giustificava l'esistenza del loro grande patrimonio sparso in tutta Europa, le cui rendite sostenevano la vita e l'attività dell'Ordine. L'attività corsara privata fu comunque a suo tempo ben poco documentata, e non certo dagli attori; possono trovarsene tracce o precise indicazioni in documenti di natura fiscale, se conservati[35].

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[34] Sulla attività corsara nel Mediterraneo ci permettiamo menzionare il nostro *Piraten und Korsaren im Mittelmeer. Seekrieg, Handel und Sklaverei vom 16. bis 19. Jahrhundert*, Stuttgart 2009, traduzione, rivista e ampiamente aggiornata nella bibliografia, di *Corsari nel Mediterraneo. Cristiani e musulmani fra guerra, schiavitù e commercio*, Milano 1993.

[35] Numerosi contributi di Michel Fontenay sono ora raccolti nel volume *La Méditerranée entre la croix et le croissant : navigation, commerce, course et piraterie, xvi.e-xix.e siècles*, Paris 2010. Fra gli esempi del 'costo' dell'attività corsara ricordiamo che l'incursione a Chio dei cavalieri stefaniani nel maggio 1599

Ancor meno restano notizie delle catture, piuttosto frequenti, da parte di gente di mare e di abitanti di zone costiere e isolane europee, in occasione di sbarchi a terra di 'infedeli' per 'fare l'acquata' – rinnovare le provviste di acqua dolce - procurarsi vitto o legna da ardere; altrettanto potevano cader preda e divenire dunque schiavi, sfortunati naufraghi - anche equipaggi e ciurme di marine statali o di navi corsare - gettati sulle coste europee da burrasche e fortunali, come da errori di piloti nell'avvicinarsi alla costa per sfuggire a un inseguimento e trovar riparo a terra. Gli stessi europei in condizione servile a bordo di navi 'nemiche' - quali galeotti al remo, ma non di rado quali incaricati di compiti tecnici di responsabilità – potevano cogliere o provocare occasioni per sopraffare e render schiavi interi equipaggi delle navi su cui si trovavano; di questi casi le fonti ci offrono una vivacissima scelta. Anche schiavi europei, individui o piccoli gruppi, fuggiaschi dal Maghreb o da altre terre islamiche, talora portavano via con loro individui dell'altra parte, ridotti in condizione servile; le circostanze rendevano necessaria quella decisione, ovvero essa costituiva una opportunità per procurarsi una certa somma contante vendendo come schiavi, in terra cristiana, gli involontari compagni[36].

Il quadro delle catture da parte europea si allarga se pensiamo non soltanto ai paesi geograficamente mediterranei ma anche ad altri spazi, come quello dell'impero asburgico, degli stati tedeschi, di paesi dei Balcani e dell'Europa orientale dove i territori europei confinavano con l'Impero ottomano o in certi casi ne erano circondati come piccole *enclaves* costiere, numerose sulla costa adriatica orientale. Lungo le frontiere si effettuavano di continuo incursioni, razzie, imboscate, con catture, cioè con l'acquisizione di schiavi da una parte e dall'altra. Nella ripresa delle ostilità austro-turche del 1663-1664 (pace di Vasvár) e poi nella lunga riconquista asburgica di territori magiari e balcanici da più o meno sotto la sovranità ottomana, molti sconfitti restarono prigionieri, e cioè ridotti in schiavitù nelle mani dei vincitori, da una parte e dall'altra : si trattò ovviamente in prevalenza di turchi, ma sia le fonti che la storiografia non offrono cifre precise e concordi, anche per eventi di prima grandezza come il fallito assedio di Vienna nel settembre 1683. Molti comandanti di contingenti militari venuti in soccorso della capitale imperiale, perlopiù nobili tedeschi, portarono con sé nei loro rispettivi territori feudali in Germania, gruppi di prigionieri, decine o centinaia, non solo combattenti sconfitti ma anche popolazioni dei territori 'liberati'. Nelle operazioni militari seguite all'assedio di Vienna le catture proseguirono: fra l'altro in Slavonia nel 1684, gli imperiali presero 600 giannizzeri ed un migliaio di civili, parte incamminati verso Graz; alla caduta di Buda (settembre 1686) gli imperiali fecero 3-4mila prigionieri-schiavi [37].

costò cento morti ma procurò soltanto 39 schiavi (G. GUARNIERI, *I cavalieri di Santo Stefano*, Pisa 1960 pp. 129-131). Sulle catture, con riferimento all'Italia si può vedere il cap. 3 di S. BONO, *Schiavi musulmani*, cit., pp. 47-95.

[36] Sulle fughe si veda il cap. 10, *Fughe, congiure, ribellioni* del volume di S. BONO, *La schiavitù*, cit.

[37] G. SCHREIBER, *Auf den Spuren der Türken*, München 1980, pp. 243-259 (cap. xi, *Sklaven und Gefangene, Überlaufer und Verräter*); S. SCHREINER, *Die Osmanen in Europa. Erinnerungen und Berichte Türkischer Geschichtschreiber*, Graz 1985, p. 256. Indicazioni bibliografiche aggiornate possono trovarsi, fra gli altri, in F. CARDINI, *Il Turco a Vienna. Storia del grande assedio del 1683*, Roma-Bari 2011, che in effetti tratta non solo dei precedenti, anche lontani, dell'assedio ma ne descrive e analizza le conseguenze

Per evidenziare ancor più la varietà, talvolta imprevedibile, di componenti e di situazioni particolari nel quadro della schiavitù in Europa, richiamo un aspetto quasi del tutto trascurato nel quadro generale, ma sul quale si dispone già di contributi molto validi. Si tratta della sorte degli ucraini o polacco-ruteni, e di coloro che vengono menzionati come russiotti o russi; nelle fonti e in autori non specialisti si usano certamente erronee denominazioni e si fanno confusioni; questi europei orientali erano catturati dai tatari e immessi come schiavi nel mondo ottomano. Considerato così, si tratta, ovviamente, di europei schiavi in terre islamiche, non di schiavi in Europa; non ha dunque a che fare con il nostro tema complessivo. Ma qualche fonte accenna ad un seguito, non sappiamo se migliore o peggiore, nella storia di quei malcapitati; da Istanbul qualcuno, spacciando quelle persone per musulmani, li imbarcava o li incamminava verso occidente, specialmente verso l'Italia. Uno storico napoletano del Settecento scrive: « soleano in quel tempo – nel secolo precedente, il Seicento - i Tartari far non picciole prede nella Polonia, e poi per la strada della Turchia menavano quei, che avean fatti schiavi, nell'Italia, e fin anche in Napoli facendone mercato»[38].

Un altro movimento di europei asserviti resta ancora appena segnalato: dal litorale dalmata una 'economia del riscatto, dal porto corsaro di Segna e da altri, mercanti balcanici imbarcavano loro stessi connazionali, persino parenti, dichiarandoli musulmani e li 'esportavano verso l'Italia meridionale, Napoli e Bari in particolare; gli 'importatori' potevano ben supporre di che persone si trattasse ma non se facevano un problema. In questo caso come in altri intendiamo come 'importazioni' l'introduzione in Europa di schiavi da aree non sotto sovranità e controllo di stati e governi europei[39]. Sono accaduti ovviamente, e noi stessi ne abbiamo parlato altrove, spostamenti di gruppi di schiavi, per lo più di galeotti, come effetto di compravendite o di 'doni' fra governi; i doni avvenivano quando uno stato possedeva un numero di galeotti pienamente soddisfacente per le proprie esigenze; l'Ordine di Malta ha spesso 'esportato' schiavi verso altri Paesi europei[40].

La particolarità delle situazioni nell'insieme europeo era notevole; torniamo alla Spagna, per la quale già si è considerato il ruolo della *Reconquista*: l'insurrezione e la repressione dei moriscos, nelle zone montuose dell'Andalusia, fra il 1568 e il 1571,

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sino al XVIII secolo, e in S. BONO, *Lo spettro del Turco nell'Europa di ieri e di oggi*, in *Storia religiosa dell'Islam nei Balcani*, a c. di L. VACCARO, Milano 2008.

[38] La citazione da G. GRIMALDI, *Istoria delle leggi e magistrati del Regno di Napoli*, X, Napoli 1772, p. 470. Sul tema generale, si vedano fra gli altri: A.W. FISHER, *The Sale of Slaves in Ottoman Empire: Markets and State Taxes on Slave Sales, some Preliminary Considerations*, in "Boğaziçi Universitesi Dergisi", 6, 1978, pp. 149-174; IDEM, *Chattel Slavery in the Ottoman Empire*, in "Slavery and abolition", 1, 1980, pp. 25-45; D. KOŁODZIEJCZYK, *Slave Hunting and Slave Redemption as a Business Enterprise: the Northern Black Sea Region in the Sixteenth to Seeventeenth Centuries*, in "Oriente moderno", n.s. 25, 2006, pp. 149-159; C. WITZENRATH, *Rachat ('rédemption'), fortification et diplomatie dans la steppe. La place de l'empire de Moscou dans la traite des esclaves en Eurasie*, e A. STANZIANI, *Esclaves et captifs en Russie et en Asie centrale (xve-xixe siècles)*, in *Les esclavages en Méditerranée. Espaces et dynamyques économiques*, a c. di F.P. GUILLEN, S. TRABELSI, Madrid 2012, rispettivamente pp. 181-193 e 195-211.

[39] M. JACOV, *La vendita di schiavi slavi cristiani in città italiane durante la guerra di Candia (1645-1669)*, in *Rapporti Genova Mediterraneo Atlantico nell'età moderna*, III, Genova 1989, pp. 255-263.

[40] Su esportazioni e doni da Malta verso altri stati: A. BROGINI, *Malte, frontière de Chrétienté (1530-1670)*, Roma 2006, pp. 358-364.

provocò la riduzione in schiavitù mediante le cosiddette *cabalgadas* di decine di migliaia di quei musulmani, specialmente di donne, bambini, anziani, poiché gli uomini in maggior proporzioni morivano negli scontri bellici. I moriscos – come altri abitanti della Spagna, specialmente fra gli stranieri – infrangevano, consapevolmente o no, norme che limitavano alcune libertà, di spostamento o di pratica di certi usi e costumi, come la semplice questua, e quella infrazione comportava la riduzione in schiavitù (*so pena de cautivos*)[41]. Nella varietà di modi di riduzione in schiavitù si colloca persino una fattispecie nota anche in altri contesti servili: la volontaria consegna di sé stessi, in periodi di gravi carestie, per assicurarsi comunque un mantenimento. Così fu per un certo numero di marocchini riparati in Spagna o presentatisi presso i presidi spagnoli in Marocco, *enclaves* costiere come Orano, Ceuta e Melilla; sono ben note 'esportazioni' di schiavi da Orano verso la madrepatria spagnola. I presidi peraltro erano produttori di schiavi anche attraverso *jornadas,* cioè incursioni improvvise e rapide nel territorio circostante al fine appunto di catturare schiavi (annualmente qualche centinaio, persino oltre mezzo migliaio). Qualcosa di analogo accadeva, in questo caso con reciprocità, nei pressi di città e porzioni di territorio sotto dominio veneto, confinanti con l'impero ottomano. Tra febbraio e marzo del 1607, per esempio, un mercante milanese inviò da Orano a Cartagena oltre cinquanta schiavi – quasi tutti bambini, da due a otto anni, e ragazzi sino a qualche ventenne; trattò un accordo per il pagamento del quinto.[42]

L'intrecciarsi di catture e di importazioni nell'immissione di schiavi in Europa, in particolare nei paesi mediterranei, ha mescolato e teso ad equiparare le due quote, maschile e femminile. Le catture generalmente facevano affluire più uomini, mentre le importazioni privilegiavano le donne, più richieste dal mercato; nella schiavitù domestica esse sono forse rimaste sempre in maggioranza, poiché certe correnti di tratta proseguirono per vie terrestri più dirette e poiché l'attività bellica, e in particolare quella corsara con le incursioni contro località abitate, spesso coinvolgeva di più donne, bambini, anziani, che non uomini, i quali per ragioni di lavoro si trovavano lontani dall'abitato o cadevano più numerosi nella vana difesa, come avvenne presso i moriscos insorti sulle montagne dell'Alpujarra[43].

GEOGRAFIA DELLA SCHIAVITÙ IN EUROPA

Dopo i cenni sulle catture, le importazioni, i traffici di schiavi esponiamo un più ordinato panorama della presenza servile nei paesi europei, tornando alla penisola iberica. A Lisbona nel 1551 su centomila e poco più abitanti se ne contavano quasi diecimila in condizione servile, una percentuale notevole, dunque. Quanto alla 'varietà' umana, oltre ai neri vi erano maghrebini e moriscos di Spagna,

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[41] V. GRAULLERA SANZ, *La esclavitud en Valencia*, cit, pp. 36-38 e 52-56.

[42] B. VINCENT, *Procédures et réseaux de rachats de captifs dans l'Espagne des XVIe-XVIIe siècles*, in *Le commerce des captifs. Les intermédiaires dans l'échange et le rachat des prisonniers en Méditerranée, XVe-XVIIIe siècle*, a c. di W. KAISER, Roma 2008, pp. 123-134, 123; V. GRAULLERA SANZ, *La esclavitud en Valencia*, cit, pp. 219-226.

[43] Per le donne il prezzo era maggiore di un 10-20 per cento: A. MARTÍN CASARES, *La esclavitud en Granada*, cit, pp. 235-236; G. WETTINGER, *Slavery in the Islands of Malta and Gozo*, cit., pp. 249-252.

orientali di varie provenienze, asiatici, forse per un dieci-venti per cento, indiani, di Goa e di Calicut in particolare, persino cinesi e giapponesi - condotti dai portoghesi dall'Estremo oriente – ovvero nativi brasiliani. Nel secolo seguente la presenza servile si accrebbe in assoluto ma non in percentuale rispetto alla popolazione cittadina; nella *Casa de escravos* di Lisbona si contrattavano le riesportazioni schiavili dalla capitale lusitana verso l'intera penisola iberica. In altri centri urbani, come Evora, Porto, Lagos la percentuale di popolazione servile fu intorno ai cinque punti - un dato significativo, ma non rispondente, come si è detto, a una società schiavista - dato peraltro esteso soltanto alla regione dell'Algarve e non a tutto il paese.

In Spagna - il paese per il quale siamo di gran lunga meglio informati, grazie a un gran numero di monografie e di contributi dedicati perlopiù a singole città e località - Siviglia e Cadice, quali città atlantiche accolsero per prime le importazioni di neri direttamente dalle coste africane occidentali; Siviglia divenne nel tempo il più importante mercato in Europa, dove giunsero più tardi anche africani 'riportati' dalle Americhe e indiani americani. La varietà geografico-etnica della popolazione servile si accrebbe in Spagna per l'arrivo, in seguito a vicende belliche e commerciali, anche di moriscos, barbareschi, turchi, nell'ampio senso di sudditi ottomani e di altre minoranze ancora, già o in seguito menzionate; anche stranieri, come i genovesi, curavano le importazioni schiavili. Il censimento del 1565 nei regni spagnoli, del quale sono noti i dati per alcune città, segnalano percentuali dall'1-2 di Malaga, al 3-4 di Siviglia, al 5 per Cordoba, al 5-6 per Granada, sino al 13-15 per Cadice. A Valencia la comunità servile, minore che non a Siviglia, ha presentato forse una maggiore varietà di componenti: si aggiungevano infatti guanci delle Canarie e indiani orientali. I livelli percentuali prima indicati decrebbero, anche rapidamente, dalla metà del Seicento nella penisola iberica come in quella italiana e nelle isole rispettive, ma vi furono casi diversi: così a Livorno, che andò sviluppando il suo ruolo di centro commerciale e di mediazione nel Mediterraneo occidentale, così a Cartagena dal 1670 importante base navale, il che comportò una rilevante componente servile nella ciurma e nel servizio domestico presso responsabili militari e amministrativi della flotta stessa.[44]

Come nella penisola iberica anche in quella italiana la presenza servile è stata più rilevante nel sud – affacciato sul fronte mediterraneo e beneficiato dall'abbondanza schiavile in Spagna, padrona dei viceregni di Napoli, Sicilia e Sardegna. Nella città partenopea gli schiavi furono presenti in maggior numero; per gli inizi del Seicento alcune fonti dicono 10-12mila, persino 20mila, dunque fra il 5 e il 7 per cento della popolazione totale. Presenze sparse sono comprovate per le attuali regioni Campania, Puglia, Calabria: compravendite e altri atti concernenti schiavi sono attestati nelle città maggiori come Bari, Lecce, Taranto, Reggio, Catanzaro, Cosenza e in numerose cittadine e piccole località. Un cenno specifico merita la Sicilia poiché in essa nel Cinquecento si era sviluppata una presenza di neri africani utilizzati in gran parte come manodopera nelle estese colture di canna da zucchero; i primi studiosi, come Corrado Avolio nel 1888, avevano valutato quella presenza oltre il 4 per cento della popolazione, cioè 50mila su 1.250 mila abitanti;

[44] Si vedano le voci bibliografiche citate nelle note 13 e 16; il volume ivi menzionato di A. STELLA, *Histoire d'esclaves*, offre una ricca bibliografia,

ma già un ventennio più tardi, partendo da un censimento concernente Palermo nel 1565, per l'insieme dell'isola fu proposta una percentuale per tutta l'isola dell'1,25-1,50, in termini assoluti 12.500 schiavi. Con ancora più cautela Maurice Aymard ha ponderato i dati disponibili, riducendo la sensibilmente quella percentuale sino al valore di un punto, un punto e mezzo, cioè 5-8 mila individui. Le piantagioni saccarifere in Sicilia, intorno alla metà del Cinquecento vennero abbandonate, come già prima nelle grandi isole del Mediterraneo orientale, per riservare quella coltura al continente americano[45]. A Roma, a parte la permanenza di una élite di prigionieri musulmani, catturati a Lepanto o in altri successivi eventi bellici e consegnati al papa, i quali si possono anche escludere dal fenomeno propriamente servile – poiché non erano soggetti a compravendite – la presenza di schiavi è consistita in un certo numero di galeotti della marina pontificia, condotti in città per esigenze lavorative, e di schiavi domestici a servizio di prelati, nobili e diplomatici; li troviamo anche, in misura significativa, negli atti di battesimo, già studiati in misura apprezzabile; resta da utilizzare la fonte notarile.

A nord di Roma la maggior presenza servile si verificò in due città marittime: Genova e Livorno. Nella capitale ligure il numero di schiavi, ridottosi a 928 nel 1470, risalì nel nuovo secolo al 2-3 per cento, cioè a 1500-2000 unità fra pubblici e privati. Livorno raggiunse, fra le città italiane, la massima percentuale di schiavi rispetto alla popolazione cittadina, nel 1616 il 37 p.c. (tremila individui), ridottisi nel corso del secolo a 1500-2000. Quanto a Venezia – alla quale il pensiero corre naturalmente, quando si tratta di una realtà mediterranea e orientale - contrariamente a quanto ci si potrebbe aspettare l'elemento schiavile risulta presente in misura ridotta e discontinua. Vale nell'insieme quanto affermato da Paolo Preto: «una serie di circostanze politiche impedisce il formarsi nella capitale di una consistente comunità servile», si volevano cioè assolutamente evitare motivi di attrito con l'impero turco. Qualche schiavo poteva però essere nero africano, come sembra l'Otello shakespeariano, ai tempi della guerra di Cipro; non risulta comunque una presenza corrispondente alla potenziale capacità di 'accoglienza' della città. Per altre, grandi e minori città dell'Italia settentrionale, casi individuali sono stati evidenziati, così a Torino e a Bologna, a Ferrara, Bergamo, Udine; si tratta di cercare in modo più esteso e pianificato al fine di valutare meglio le dimensioni del fenomeno.

Degli schiavi nella ciurma delle flotte di diversi stati europei, ai quali si è fatto qualche cenno, diremo meglio più avanti. Conosciamo abbastanza bene la presenza di galeotti musulmani sulle galere di Francia, a Marsiglia e a Tolone, ma ve ne furono anche a Dunkerque. Per non creare motivi di attrito con l'impero turco e

[45] Per l'Italia si veda S. BONO, *Schiavi musulmani*, cit., in particolare per la Sicilia le pp. 21-26; M. AYMARD, *De la traite aux chiourmes; la fin de l'esclavage dans la Sicile moderne*, in "Bulletin de l'Institut historique belge de Rome", 44, 1974, pp. 1-21. Fra i lavori editi successivamente a Bono: A. NERI, *Uno schiavo inglese nella Livorno dei Medici*, Pisa 2000; S.A. EPSTEIN, *Color, Ethnicity, and Human Bondage in Italy* , Ithaca-London 2001; G. BOCCADAMO, *Napoli e l'islam: storie di musulmani, schiavi e rinnegati in età moderna*, Napoli 2010; C. SANTUS, *Il 'turco' e l'inquisitore. Schiavi musulmani e processi per magia nel Bagno di Livorno (xvii secolo)*, in "Società e storia", 133, 2011, pp. 449-484; R. SARTI, *Tramonto di schiavitù. Sulle tracce degli ultimi schiavi presenti in Italia (sec. xix)*, in *Alle radici dell' Europa. Mori, giudei, e zingari nei paesi del Mediterraneo occidentale*, II, Firenze 2009, pp. 281-297.

con le reggenze barbaresche si evitava di tener galeotti maghrebini e turchi anatolici; i consoli francesi acquistavano per le galere schiavi in maggioranza di origine balcanica in diverse città mediterranee, italiane o del Levante. Numerose presenze di schiavi, perlopiù domestici, è stata segnalata qua e là, vicino o lontano dalle coste, a Parigi o in piccole località: casi isolati, eccezioni senza rilievo o segni di una qualche diffusione da meglio verificare? Lo stesso può dirsi per altri paesi: per l'Inghilterra, fra i primi, dove è accertata la presenza di neri, più numerosi, sin da metà Cinquecento, e di maghrebini, catturati fra l'altro quando si avvicinavano alle coste come corsari[46].

A conferma della varietà di situazioni che impedisce un discorso e una valutazione unitari, segnaliamo un altro aspetto della presenza di schiavi in Europa, manifestatosi nel corso del Settecento in Francia e in Inghilterra specialmente, ma in certa misura anche nella penisola iberica. Si trattò di schiavi provenienti da territori coloniali di quelle stesse potenze, giunti come fedeli servitori a seguito dei loro padroni - proprietari terrieri, funzionari, imprenditori e altri - intenzionati a trascorrere un periodo di vacanza o a sbrigare qualche affare in patria ovvero a ritirarvisi definitivamente. Il fenomeno merita l'attenzione che gli è stata conferita negli ultimi dieci-quindici anni; quei soggetti, provenienti in maggioranza dalle colonie caraibiche, non si possono considerare come 'servitori', tanto è vero che la loro presenza sollevò nei due paesi questioni di principio: per lunga tradizione 'nazionale' di rispetto della libertà individuale, era inammissibile la presenza di schiavi sul suolo dei due stati. «Non vi sono schiavi in Francia» era quasi una formula sacra, mentre per altro verso quelle due potenze, marittime e coloniali, erano le massime responsabili del traffico schiavista atlantico e dalla schiavitù americana traevano grandi profitti, a vantaggio del loro sviluppo economico. Al di là di ideologie e di principi teorici, l'esempio di quegli schiavi ravvivò l'idea di farne uso anche nella madrepatria, di acquistarne e mantenerne, e vi fu chi cominciò con abili artifici a importarne e venderne anche nelle due madrepatrie, compravendite promosse da esposizioni al pubblico, come si usava da tempo in altri paesi, e da annunci pubblicitari sulla stampa. Alla fine del Settecento si arrivò ad una presenza di circa 20mila schiavi nella sola Londra, e di altri 10mila fra Bristol, Liverpool e altre località nel sud del paese. Abbiamo già chiarito il nostro uso del termine schiavo, che comprende fattispecie diverse; non sembri inappropriato a questi schiavi 'coloniali' se di essi si facevano compravendite, promosse da pubbliche esposizioni e da annunci pubblicitari sulla stampa[47].

Spostiamo ora lo sguardo verso i paesi tedeschi e dell'Europa orientale; nel trattare delle catture abbiamo ricordato quei fronti bellici, rilevando però che fonti e storici sono avari di notizie precise. Relativamente più abbondanti sono le notizie sulla presenza di questi 'turchi' nell'impero asburgico e in Germania; in parte restavano nei territori ungheresi e balcanici. Sappiamo, per esempio, qualcosa di

[46] J. MATHOREZ, *Les étrangers en France sous l'Ancien Régime*, Paris 1919; S. PEABODY, «*There Are no Slaves in France*». *The Political Culture of Race and Slavery in the Ancient Régime*, Oxford 1996 ; N. MATAR, *Turks, Moors and Englishmen in the Age of Discovery*, New York 1999.

[47] E. NOEL, *Etre noir en France au XVIII siècle*, Paris 2006; P.H. BOULLE, *Race et esclavage dans la France d'Ancien régime*, Paris 2007; M. KOUFINKANA, *Les esclaves noirs en France*, cit.

schiavi musulmani nei territori magiari transdanubiani affidati al capitano generale Adám Batthyáni[48]. Sulla sorte delle migliaia di 'turchi' - erano donne e bambini in gran parte – portati in Germania, furono messi in luce, in diversi casi già negli anni Trenta del secolo scorso, un piccolo ma significativo numero di esempi di inserimento nella società forzatamente 'adottiva', attraverso battesimi impartiti in gran numero durante l'ultimo ventennio del Seicento e il primo decennio del nuovo, a Vienna, Buda, Bratislava, Graz, Monaco di Baviera, Lipsia, Dresda, Berlino, Colonia, Hannover, e in località minori, persino presso parrocchie, cattoliche e protestanti, di piccoli paesi, degli attuali Länder austriaci: in Stiria, nella Bassa e nell'Alta Austria, in Carinzia, a Klagenfurt; negli stati tedeschi: Baviera, anzitutto, e Sassonia, ma troviamo battesimi anche a Heidelberg e Magdeburg, e si ha anche notizia di qualche matrimonio. Quegli schiavi furono oggetto anche di doni fra sovrani – per esempio dal re di Baviera a Luigi XIV di Francia – e fra principi e nobili di alto rango. Sarebbe rilevante accertare se essi sono stati oggetto anche di compravendite; ciò confermerebbe in pieno la loro condizione schiavile. Una testimonianza di schiavitù - una delle pochissime di parte musulmana, almeno quelle note agli studiosi - ci è stata lasciata dal brillante ufficiale turco Osman Agha di Tesmevar (Timisoara), catturato a Lipova, nel Banato, nel 1686 e rimasto in mani austriache sino al 1699, negli ultimi anni a Graz e a Vienna. Nella lunga riconquista da parte asburgica, ed europea in generale, di territori occupati dagli ottomani per il corso di quasi o di più di due secoli, furono resi schiavi non solo combattenti sconfitti ma anche popolazioni dei territori 'liberati' e tutti vennero condotti nell'impero asburgico o in altri territori, tedeschi perlopiù, secondo la provenienza dei capi militari e dei contingenti che avevano catturato quei vinti; sul loro numero nelle fonti dell'epoca si trovano soltanto frammentari riferimenti, e spesso neanche questi[49].

Per altri paesi d'Europa abbiamo qualche sparsa notizia: casi eccezionali o indizi di una qualche più diffusa presenza da indagare? Nei Paesi Bassi vi erano schiavi negli ultimi tempi medievali e ve ne sono stati più tardi, tanto più che l'Olanda aveva possedimenti e basi coloniali da cui 'importarli', e navi olandesi frequentavano il Mediterraneo, effettuavano catture di barbareschi, che poi smerciavano nelle città mercato; è noto l'africano Jacobus E.J. Capitein secondo il

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[48] Z.J. ÚJVÁRY, *A Muslim Captive's Vicissitudes in Ottoman Hungary (Mid-Seventeenth Century)* , in *Ransom Slavery along the Ottoman Borders (Early Fifteenth- Early Eighteenth Centuries)*, a c. di G.DAVID, P. FODOR, Leiden-Boston 2007, pp. 141-168.

[49] Sugli schiavi nel mondo germanico e su Osman Agha: M.M. ALEXANDRESCU-DERSCA, *La condition des captifs turcs dans l'empire des Habsburgs (1688-1689) d'après les mémoires de 'Osman Aga*, in "Studia et acta orientalia", 8, 1971, pp. 125-144; F. HITZEL, *'Osman Aga, captif ottoman dans l'empire des Habsbourg à la fin du XVII.e siècle*, in "Turcica", 33, 2001, pp. 191-213; O. SPIES, *Schicksale türkischer Kriegsgefangener in Deutschland nach den Türkenkriegen*, in *Festschrift Werner Caskel*, Leiden 1968, pp. 316-335; K. TEPLY, *Türkentaufen in Graz (1683-1696)*, in "Adler", n.s. 9, 1971, pp. 49-57 e 74-81; IDEM, *Vom Los osmanischer Gefangener aus dem Großen Türkenkrieg 1683-1699*, in "Südostforschungen", 32, 1972, pp. 33-72; IDEM, *Türkentaufen in Wien während des Großen Türkenkrieges 1683.1699i.* , in "Jahrbuch des Vereins fürs Geschichte der Stadt Wien", 29, 1973, pp. 57-72; K. JAHN, *Zum Loskauf christlicher uns türkischer Gefangener und Sklaven im 18, Jahrhundert*, in "Zeitschrift der deutschen morgenländischen Gesellschaft", 111, 1961, pp. 63-85; A. MITTERWIESER, *Türkentaufen in Bayern*, in "Archiv für Sippenforschung und alle verwandte Gebieten", 16, 1939, pp. 161-164.

soprannome con cui è conosciuto, divenuto un colto pastore riformato. Altri schiavi, per una o altra via, finivano in tanti altri paesi d'Europa: di alcuni africani si ha notizia persino in Svizzera[50].

Negli elenchi di battesimi di musulmani impartiti solennemente a Roma figurano, come proprietari e come padrini di schiavi, diplomatici e altri rappresentanti svedesi: qualcuno tornava in Svezia con uno o più schiavi al seguito? Di certo fu proprietaria di schiavi la regina Cristina, durante il lungo soggiorno a Roma. Per gli eventi della grande guerra del Nord, soldati svedesi caddero prigionieri in mani russe; trattati come schiavi, furono venduti ai turchi che poi li riconsegnarono al re di Svezia, come fa cenno Voltaire nella sua *Histoire de Charles XII ;* di schiavi di corte, ma non solo, si hanno notizie per l'Olanda e la Danimarca. Abbiamo fatto riferimento a ucraini e russi immessi come schiavi, perlopiù come galeotti, nel mondo mediterraneo, ed è noto, anche se ancora in modo molto approssimato, che vi sono stati schiavi musulmani o neri africani in Russia e in Polonia, oltre all'antenato di Pushkin e a quello sconosciuto turco, Kara Musa che, dopo la manumissione, volle tornare vivere in Polonia con una modesta pensione[51].

SCHIAVI : FORZA LAVORO, INVESTIMENTO, PREZZI

I cenni, in questo ultimo paragrafo, ad aspetti economici serviranno a confermare l'accentuata varietà della schiavitù in Europa, carattere precipuo del fenomeno considerato, ben difficilmente riducibile ad una pur ricca casistica. Ribadiamo però che anche gli schiavi impegnati in attività lavorative e produttive, in altre circostanze diventavano oggetto di ostentazione da parte di privati, di autorità, di governi, per affermazioni di prestigio e di potere; per questo si acquistavano e mantenevano schiavi anche quando l'assunzione di servi salariati sarebbe risultata più conveniente in termini di spesa[52]. Come già in Italia fra il Quattro e il Cinquecento, nei due secoli seguenti presso corti e ambienti aristocratici di vari paesi d'Europa, specialmente tedeschi, si affermò la moda di avere degli *Hofmohren* (mori di corte)[53].

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[50] P.S. VAN KONINGSVELD, *Muslim Slaves and Captives in Western Europe during the Late Middle Ages*, in "Islam and christian-muslim relations", 6, 1995, pp. 5-23; H.W. DEBRUNNER, *Africans in Europe. Presence and Prestige*, Bern 1979, pp 57-58 sui Paesi bassi, 80-81 su Capitein; B. EREMAD *et al.*, *La Suisse et l'esclavage des noirs*, Lausanne 2005 (pp. 100-106, *Présence d'esclaves africains en Suisse*).

[51] A. PARRY, *Abraham Hannibal, the Favorite of Peter the Great*, in "The Journal of Negro History", 8, 1923, pp. 359-366; A. DZIUBINSKI, *Un ancien esclave turc à la retraite en Pologne*, in *Schiavi europei e musulmani d'oltralpe (sec. xvi-xix)*, cit. nota 5, pp. 161-170; W.H. RUDT DE COLLENBERG, *Le baptême des musulmans esclaves à Rome au xvii.e et xviii.e siècles*, in "Mélanges de l'école française de Rome. Italie et Méditerranée», 101, 1989, pp. 9-181, 519-670; J. LISOWSKI, *A propos d'un échange des prisonniers entre le Sultan Ahmed III et Charles XII, roi de Suède*, in "Folia orientalia", 14, 1972-1973, pp. 289-292.

[52] Per es., nella prima metà del Cinquecento in Italia al prezzo di uno schiavo – 15-30 ducati – faceva riscontro l'ammontare di un ducato e mezzo per il salario annuo di un servo. C. MARCIANI , *Il commercio degli schiavi alle fiere di Lanciano*, in "Archivio storico per le province napoletane", n.s. 41, 1962, p. 274 (269-282

[53] Si veda la nota 1.

Gli esempi di ostentazione da parte di privati proprietari e di autorità e personaggi pubblici non mancano: a Palermo nella prima metà del Cinquecento il mercante senese Bonsignore Cacciaguerra esibiva intorno a sé «quaranta schiavi bianchi e mori, maschi e femmine», nel marzo 1644 il diplomatico francese signor d'Avaux amava recarsi nel duomo di Münster con l'incredibile codazzo di «almeno centocinquanta negri». A livello pubblico gli schiavi comparivano come elemento decorativo nelle feste, in particolare nelle celebrazioni di vittorie militari e nei festeggiamenti per matrimoni e nascite regali: così a Roma nel trionfo di Marcantonio Colonna al suo ritorno dalla battaglia di Lepanto, così a Valencia nell'aprile 1599 per le nozze di Filippo III[54].

D'altra parte, l'impiego di schiavi di proprietà statale fu parimenti diffuso sin dal secolo XVI anzitutto nella costruzione e manutenzione di opere di difesa, di edifici, di infrastrutture: per esempio, a Malta sin dai primi anni dopo l'insediamento dei cavalieri, nei lavori per le mura e i bastioni della città, a Roma, ai tempi di Pio V, «all'opera dei muri stessi che intorniano la basilica vaticana», a Marsiglia, ai tempi di Luigi XIV, nelle Manifatture reali, fabbriche di cordami, tessuti, merceria varia; in Spagna, nella seconda metà del Settecento – quando essi erano necessari in minor numero sulle galere – nella costruzione di strade da Madrid a Guadarrama, a Segovia, ad altre mete[55]. La sorte peggiore toccò certamente agli schiavi, nell'ordine di alcune centinaia, destinati al lavoro nelle miniere, quelle di mercurio di Almadén, nella Sierra Morena, in provincia di Ciudad Real - sappiamo che in alcuni anni presso certi gruppi la mortalità toccò il 15 per cento annuale - o quelle di allume di Cartagena e, più a sud, di Mazarrón. Documentato e significativo l'impiego di manodopera schiavile negli arsenali, fra l'altro a Malta nel Cinquecento e in Spagna nel Settecento. Vincent ha efficacemente usato il termine 'polivalenza' nello sfruttamento degli schiavi ed ovviamente in questa varietà di impieghi prevalgono i lavori più pesanti, rischiosi, malsani, di trasporto, di scarico, di pulizie, persino di andare a raccogliere i morti di peste a Marsiglia e a Valencia nella prima metà del Seicento[56].

Altrettanto e ancor più vario è stato l'utilizzo del lavoro degli schiavi domestici, anzitutto nelle esigenze della famiglia padronale. La vita domestica a quei tempi comportava un ben maggiore impegno di lavoro per fornire beni (generi alimentari, tessuti e vestiario, strumenti e attrezzature di lavoro), nonché servizi vari, oggi

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[54] R. DE MAIO, *Bonsignore Cacciaguerra a Napoli, Azione e influssi di un mistico senese del '500*, in *Studi di bibliografia e di storia in onore di Tommaso De Marinis*, Verona 1964, pp. 61-179, 64-67; M.E.T. HAMY, *Les cent quarante Nègres de M. d'Avaux à Munster (1644)*, in "Bulletin et mémoires de la Société d'anthropologie de Paris", s. 5, 7, 1906, pp. 271-275 ; A. BERTOLOTTI, *La schiavitù in Roma dal secolo xvi al xix*, in "Rivista di discipline carcerarie", 17, 1887, p. 75 (da estr.) ; V. GRAULLERA SANZ, *La esclavitud en Valencia*, cit, pp. 139-140.

[55] G. WETTINGER, *Slavery*, cit., p. 354; A. BROGINI , *Malte, frontière de Chrétienté (1530-1670)*, Roma 2006, pp. 133-147 e 205-213; C. BARONIO, *Annali ecclesiastici* , II, Roma 1643, p. 579; M. BARRIO GOZALO, *La esclavitud en el Mediterráneo occidental durante el siglo xviii. Los "esclavos del Rey" en España*, in "Critica storica", 17, 1980, pp. 199-256, 214-215 e 239-240.

[56] B. VINCENT, *La esclavitud en Málaga en 1581*, in *Minorias y emarginados en la España del siglo xvi*, Granada, 1987, pp. 239-270, 240; A. STELLA, *"Herrado en el rostro con una S y un clavo": l'homme animal dans l'Espagne des xvi.ᵉ –xviii.ᵉ siècles*, in *Figures de l'esclave au Moyen-Âge et dans le monde moderne*, a c. di H. BRESC, Paris 1996, pp.147-163, 156-157.

provenienti invece dall'esterno. I compiti degli schiavi potevano peraltro svolgersi anche a livelli qualificati e con compiti di fiducia. Nei primi anni del Cinquecento, ad esempio, un mercante di Siviglia mandava uno schiavo nero sino in America, all'isola di Hispaniola, per fare acquisti di prodotti locali e portarli in Spagna; a Messina, nel 1540, il mercante Luchetto de Carro affidò ad un suo schiavo, previa opportuna istruzione, la contabilità casalinga e della sua attività commerciale. A Firenze uno schiavo, battezzato il 4 novembre 1578, lo stesso giorno fu oggetto da parte del proprietario di un contratto di apprendistato per due anni e mezzo, come tessitore di panni di lana, presso il maestro Simone di Lorenzo [57]. L'impiego meno noto e a lungo persino esplicitamente escluso dagli studiosi è stato quello nei lavori agricoli, documentato invece, da Bernard Vincent credo per primo, una ventina di anni fa, per la regione di Almería, sulla costa meridionale andalusa; schiavi nei lavori agricoli o di allevamento di animali li troviamo in vari contesti: i galeotti della flotta di Civitavecchia intorno al 1729 andavano a 'trapalare' il grano, a rivoltarlo con la pala per farlo essiccare in breve tempo[58].

Il proprietario poteva invece decidere di trarre da un proprio schiavo un sicuro rendimento attraverso due modalità, diffusamente praticate in Europa e non sconosciute dall'altra parte: 'affittarlo' a terzi, come si è detto, ovvero concludere un accordo con lo schiavo stesso in base al quale costui, contro pagamento di un tanto al giorno, era autorizzato a lavorare in modo del tutto autonomo a proprio rischio e profitto; questo tipo di accordo consentiva normalmente allo schiavo di mettere da parte nel giro di qualche anno la somma necessaria per il proprio riscatto, secondo l'importo già fissato con il padrone. Nell''affitto', il proprietario ricavava un reddito sicuro, al netto delle spese di mantenimento dello schiavo e con una riduzione dei rischi a suo carico; i contratti stabilivano con precisione su chi gravassero, e in che misura, i rischi di infermità dello schiavo – che in Spagna si diceva *alquilado* , affittato appunto, *a jornal*, a giornata - e quali lavori egli dovesse eseguire; erano certo lavori duri, spesso tali da non poter essere assunti da altri schiavi nella disponibilità dell'affittuario, ma il proprietario si assicurava che non ledessero la salute dello schiavo, proteggeva cioè la sua proprietà. Grazie a questo tipo di contratto qualche persona di modeste condizioni e esigenze – una vedova o una donna nubile e sola – riusciva a sostentarsi mediante il fitto di uno schiavo, per cui qualcuno ha osservato che gli schiavi *mantenian a sus dueños*[59].

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[57] R. PIKE, *Aristocrats and Traders. Sevillan Society in the Sixteenth Century*, Ithaca-London 1972, pp. 184-185; G. MOTTA, *Su qualche aspetto della schiavitù in Sicilia*, in "Economia e storia", 22, 1976, pp. 41-49, 43-44 e EADEM, *La schiavitù a Messina nel primo Cinquecento*, in "Archivio storico per la Sicilia orientale", 70, 1974, pp. 305-342, 314-315; ARCHIVIO DI STATO DI FIRENZE, *Arte della Lana*, Partiti, filza 299, f. 132 v, v. anche S. BONO, *Schiavi musulmani*, cit., p. 348.

[58] B. VINCENT, *L'esclavage en milieux rural espagnol au XVIIe siècle: l'exemple de la région d'Almería*, in *Figures de l'esclave*, cit., pp. 263-269; S. BONO, *Schiavi musulmani*, cit., pp. 356 e 361, con riferimento a N. DOUGLAS, *Vecchia Calabria*, Firenze 1978, p. 209 (ed. orig, 1915); il viaggiatore aveva sentito raccontare che «gli schiavi africani, quando non venivano incatenati ai remi delle galere, erano impiegati nei lavori agricoli»

[59] V. GRAULLERA SANZ, *La esclavitud en Valencia*, cit, p. 149; A. DE CASTRO, *De la esclavitud en España*, in "La España moderna", 28, 1892, pp. 128-149, 139.

Particolarmente redditizio per i privati proprietari era dare in noleggio un proprio schiavo come rematore, ad un armatore corsaro o all'amministrazione della flotta statale. Questa era ovviamente una brutta sorte per lo schiavo ma una vantaggiosa occasione per il proprietario poiché il fitto per due o tre campagne annuali (di quattro-sei mesi ciascuna) ammortizzava l'intero prezzo, anche se poi in media allo schiavo restavano soltanto quattro-sei anni di vita . Poteva esservi concorrenza fra i proprietari e perciò a Livorno per tutelare quelli 'cristiani' rispetto agli ebrei fu proibito ai secondi il noleggio alle galere statali. L'interesse dei proprietari privati e l'interesse pubblico spesso entravano in conflitto e in certi momenti, come a Venezia nel dicembre 1552 e in Toscana nel 1619, si proibì il nolo da parte di privati; alcuni lo praticavano alla grande: a metà Cinquecento a Genova Francesco Costa affittò tredici uomini al principe Doria[60].

Gli schiavi autorizzati ad una attività autonoma svolgevano piccoli servizi, come portar l'acqua dalle fontane pubbliche alle case, fare piccoli trasporti di merci e oggetti, anche piuttosto pesanti, sobbarcarsi a fatiche varie secondo le richieste. Quelli che disponevano di capacità specifiche e di spirito di intraprendenza si dedicavano ad attività artigianali, come falegnami, calzolai, sarti, barbieri, o aprivano spacci di cibi e bevande, eseguivano riparazioni e manutenzioni varie, trattavano compravendite di oggetti di seconda mano, talvolta provenienti da furti. Queste attività suscitarono proteste e denunce da parte di commercianti e gestori locali, ma le autorità non intervenivano in modo risoluto ed efficace poiché gli schiavi erano spesso 'protetti' da coloro che li rifornivano di merci, affittavano loro locali, ne finanziavano le attività[61]. Un buon numero fra gli schiavi che concordavano di esercitare una attività lavorativa autonoma arrivavano, come si è detto, a disporre della somma necessaria per il proprio riscatto; nei paesi europei è stata verosimilmente questa la via più frequente per il pagamento di un prezzo di riscatto.

Qualche intervento a favore di schiavi in Europa non mancò comunque da parte delle famiglie e di autorità e istituzioni pubbliche dei loro paesi; per i musulmani, anche per i meno abbienti, il riscatto poteva essere finanziato dalle rendite di patrimoni, il cui frutto era destinato ad attività caritatevoli, amministrati presso le moschee (detti beni *waqf*). Certamente però l'attività era meno organizzata ed estesa che non da parte europea, per diverse ragioni: per gli schiavi africani e per altri, poiché essi non potevano stabilire alcun contatto con la società di provenienza; nell'insieme le società non europee avevano minori possibilità finanziarie e comunque ne destinavano in misura estremamente ridotta rispetto alle esigenze, comportamento peraltro influenzato anche da motivazioni religiose e dalla scelta di non favorire l'incremento delle catture e dei prezzi.

D'altra parte i proprietari europei non avevano alcuna propensione a far riscattare i propri schiavi, essi se ne servivano, li impiegavano utilmente e con

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[60] M. FONTENAY, *Chiourmes turques au xvii.e siècle*, in *Le genti del Mediterraneo* , cit, pp. 877-903, 897; F. PERA, *Curiosità livornesi inedite e rare*, Livorno 1988, pp. 134 e 141 ; S. BONO, *Schiavi musulmani*, cit., pp. 328-330.

[61] Sulle attività svolte dai galeotti musulmani nelle darsene di Civitavecchia, Livorno e Genova e sui problemi che ne derivavano: *Ibid.*, pp. 341-347.

profitto nell'ambito delle loro società; salvo casi marginali non si vedeva nel riscatto una 'risorsa nazionale' come presso i barbareschi. Vi erano invece, nelle zone più vicine ai paesi islamici, europei che favorivano - con guadagno e spesso illegalmente - il ritorno in libertà di schiavi, in particolare maghrebini. Gli accordi, di cui si è detto - per consentire agli schiavi di svolgere un lavoro autonomo, di accumulare risparmi e di sostenere così il pagamento del riscatto - rappresentavano un punto di incontro delle due parti: il padrone si garantiva un reddito per un certo numero di anni e, forse, un parziale servizio da parte dello schiavo, questi realizzava la propria aspirazione al ritorno in libertà. Sulla stessa reciproca convenienza si basavano anche gli impegni , formalmente assunti dai padroni, di manumettere il proprio schiavo-a dopo un periodo di fedele servizio e di corretta condotta, da 6-8 anni e sino a una decina. Altre numerose manumissioni, disposte nei testamenti per liberale volontà del proprietario, giungevano a compimento alla sua morte o alla scadenza da lui prevista ; il proprietario era motivato dalla speranza di un miglior rapporto con lo schiavo-a o almeno di ridurne l'avversione e la conflittualità e di costituirsi un merito per la salvezza dell'anima[62].

Quanto al prezzo degli schiavi se ne devono in linea teorica distinguere tre livelli: il prezzo di vendita all'atto della immissione nella società europea, da parte di chi ne aveva effettuato la cattura o l'importazione; poi il prezzo, mediamente superiore, di compravendita all'interno della società europea fra privati (nel caso di schiavi domestici si rilevano sia casi di frequente mobilità - un passaggio annuale in media, nell'arco di alcuni anni - sia rapporti di fedeltà, diciamo così, fra padrone e schiavo-a (ovviamente i due generi potevano scambiarsi), per lunghi periodi, lustri o decenni; il prezzo, infine, di riscatto, ovviamente superiore agli altri due, mediante il quale lo schiavo o chi per lui ne pagava la libertà e la piena disponibilità[63].

Nella determinazione dei primi due prezzi contava, di massima, la qualità intrinseca dello schiavo (età, genere, caratteristiche fisiche, eventuali capacità specifiche di lavoro, e così via). Nel riscatto il prezzo si accresceva di almeno metà in più, sino al doppio e oltre, rispetto a quello di compravendita: per principio, per il valore in sé del ritorno in libertà, poi contavano essenzialmente la posizione sociale e le presunte o accertate capacità finanziarie del soggetto in questione e di chi si interessava alla sua sorte (familiari, istituzioni, altri). Il riscatto grazie ad un intervento di terzi era meno frequente per gli schiavi in Europa che non per gli schiavi europei. Per i neri africani la possibilità di un interessamento dall'esterno era in generale esclusa, poiché essi non avevano più rapporti con la società e la famiglia

[62] Il ritorno in libertà dei musulmani – solo in piccola parte corrispondente ad un ritorno in patria - è stato sinora poco indagato, al punto che si tende a ritenerlo un esito poco frequente. Un certificato di riscatto (*teskerè*), a favore di uno schiavo turco, è stato pubblicato da K. TEPLY, *Eine freilassungerklärung für einen türkischen Gefangenen aus dem Türkenkrieg 1683-1699*, in "Zeitschrift der deutschen morgenländischen Gesellschaft", 121, 1971, pp. 242-253. Sulle diverse forme di manumissione, di riscatto e comunque di ritorno alla condizione di libertà; S. BONO, *Schiavi musulmani*, cit., pp. 383-418.

[63] Forse il primo contributo specifico sul tema è quello di J. MATHIEX, *Trafic et prix de l'homme en Méditerranée au xvii.e et xviii.e siècles*, in "Annales E.S.C.", 9, 1954, pp. 157-164, con prevalente attenzione agli europei catturati e oggetto di riscatto. La questione del prezzo di riscatto è ovviamente trattata in tutte le opere sulla schiavitù in Europa.

di provenienza, mentre un aiuto poteva giungere soltanto dalla solidarietà di altri africani, singoli e istituzioni, presenti negli stessi paesi europei. Per i maghrebini, turchi ed altri 'mediterranei' vi erano non solo casi isolati di riscatto, ma pratiche e modi, fra loro diversi ma definiti ed efficaci, grazie all'intervento di familiari e di istituzioni e autorità del loro paese; interventi incrementatesi, anche sulla base di scambi, a partire dal xviii secolo. Un caso a parte fu, tra i musulmani, quello dei *moriscos*, catturati in gran numero a seguito della ricordata ribellione; molti furono riscattati, anche in tempi brevi, da familiari e dalla comunità, agevolati dalla vicinanza geografica (perlopiù si trovavano in Andalusia o in territori prossimi).

Dall'articolo di Jean Mathiex su *Trafic et prix de l'homme en Méditerranée*, sulle "Annales" del 1954, e sino ad oggi, sono enormemente aumentati i dati di cui disponiamo, per la Spagna specialmente e nel suo piccolo per Malta. Per quanto concerne gli schiavi in Italia, alla fine del secolo scorso non erano molte le informazioni affidabili a disposizione, e dopo oltre un decennio lo status delle nostre conoscenze non si è molto accresciuto. Quanto alla penisola iberica invece, il quadro è ben più ricco e vario: le statistiche elaborate per la città di Granada nel secolo XVI da Aurelia Martín Casares, ben documentate e molto articolate, esemplari dunque, offrono indicazioni in certa misura valide anche per altri luoghi ed epoche; per diverse altre città fra le maggiori della Spagna - come Siviglia, Valencia, Madrid, Malaga, Cadice - e per altre minori, come Jaén, Lucena, Puerto Real e altre, si hanno indicazioni e statistiche sulla presenza schiavile e sui prezzi. Questi nei tre secoli considerati segnano un complessivo costante incremento in tutti i paesi europei, salvo particolari congiunture temporanee (come, in Spagna, dove si ebbe una rilevante tendenza al ribasso durante la repressione dell'insurrezione dei moriscos negli anni 1569-1571) e si mantennero grosso modo le proporzioni nella differenza dei generi (più apprezzate e più care le donne) e delle fasce d'età, con preferenze facilmente intuibili, per le donne dai 15-18 ai 25-anni, per gli uomini dai 18-20 ai 30 anni, per il maggiore vigore fisico; varie analisi sono state fatte a proposito di infanti, bambini, giovanissimi, mentre restano più complicate le valutazioni e le comparazioni relativamente ai gruppi etnici, che vengono classificati in modo differente dalle varie fonti e dai diversi autori . Nella prima metà del Cinquecento uno schiavo-a di medio valore costava da 30 a 50 scudi, nella seconda metà del secolo da 60 a 100 scudi; quest'ultima cifra resta a lungo in Italia il valore convenzionale per un galeotto. I prezzi, ovviamente, tendevano a ridursi se si trattava, come si è detto, di acquisti dalle mani del 'produttore' (corsaro o altro operatore militare) o dell'importatore dall'area non europea, ovvero ad aumentare nelle compravendite fra privati[64].

A proposito dei prezzi – ma anche di altri aspetti della schiavitù in Europa come, più in generale, nel mondo mediterraneo – abbiamo bisogno di acquisire ulteriori dati, sia nelle aree per le quali la presenza schiavile è nota sia in aree geografiche dove verosimilmente il fenomeno era presente, ma ci resta pressoché

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[64] La questione del prezzo è trattata in tutte le opere sulla schiavitù mediterranea e sul riscatto; alle indicazioni bibliografiche già fornite aggiungiamo: J. ARANDA DONCEL, *Los esclavos en Jaén durante el último tercio del siglo XVI*, in *Homenaje a Antonio Domínguez Ortiz*, Madrid 1981, pp. 233-251; F. ORSONI-AVILA, *Les esclaves de Lucena (1539-1700)*, Paris 1997 ; M.J. IZCO REINA, *Amos, esclavos y libertos. Estudios sobre la esclavitud en Puerto Real durante la Edad moderna*, Cadiz 2002.

sconosciuto. Negli archivi notarili europei è ancora sepolta una sterminata documentazione, in particolare relativa al 'mercato secondario', che può essere indagato sia nella sua natura specificamente economica, prezzo e modalità di vendita, sia per indagare il rapporto padrone-schiavo-a, dove entrano in giuoco fattori psicologici, individuali e collettivi. Questa dinamica è già stata richiamata da alcuni studiosi e studiose, queste ultime forse più sensibili e più capaci di analizzare quei processi, nel quadro del gruppo familiare, schiavi compresi, in cui si attiva spesso la necessità di 'cambiare' schiavo, persino si può dire di 'liberarsene'.

Nell'insieme degli schiavi, catturati o importati, presenti in Europa, quelli impiegati dalle marine statali o da armatori corsari privati costituivano una categoria con caratteristiche ed evoluzioni sue proprie, piuttosto simili nei diversi paesi e differenti invece rispetto agli schiavi domestici. Non bisogna però considerare galeotti e domestici, o più in generale, schiavi pubblici e schiavi privati, come categorie del tutto separate, se non altro perché un certo numero di domestici subiva la sfortunata sorte di 'andare in galera' per qualche tempo e viceversa alcuni galeotti passavano, temporaneamente o in via definitiva, a servizio domestico, presso ufficiali e amministratori delle flotte o altri padroni; i galeotti peraltro potevano essere addetti, in modo occasionale o permanente, a compiti a terra. La prestazione di un galeotto al remo, per una intera 'campagna' navale, di tre-quattro mesi o più, valeva intorno ai 15 scudi ; mediante il pagamento di quell'importo uno di loro poteva ottenere di essere esentato dal suo impegno e in sostituzione veniva assunto e compensato un rematore parimenti capace, un volontario o qualcuno 'affitttato' dal proprio padrone, come si è detto. Questa forma era piuttosto consueta, in base a un contratto che poteva prevedere un compenso fisso ovvero una partecipazione al profitto ricavato dalla campagna corsara; ogni membro dell'equipaggio o della ciurma (e nel caso di uno schiavo il suo proprietario) aveva diritto a una quota, il cui importo veniva calcolato in base al numero totale delle 'parti', determinato dalla somma di quelle spettanti a ciascun componente dell'equipaggio e della ciurma, a seconda del suo ruolo e della sua posizione gerarchica. Procurarsi uomini da adibire al remo era una delle esigenze prioritarie delle flotte e di ogni armatore di navi; spesso campagne marittime si svolgevano proprio a questo fine. L'impiego di schiavi era vantaggioso quando essi erano proprietà del governo o di armatori privati; per ragioni di sicurezza tuttavia si riteneva opportuno non superare una certa proporzione, fra il 30 e il 40 per cento dell'intera ciurma , anche quando di schiavi vi fosse una disponibilità superiore. Altri componenti della ciurma erano, come è noto, i forzati, condannati a pene detentive da scontare 'in galera', per un certo numero di anni, e i 'buonavoglia', uomini ingaggiati come galeotti per un certo periodo per un determinato compenso. Sui duecento-trecento uomini di ciurma di ogni galera vi era circa un terzo di schiavi, da una ottantina a un centinaio; i forzati costituivano un 50 per cento o più, i buonavoglia di solito soltanto un 10-20 per cento.

Possediamo dati, anche precisi, sulla composizione delle ciurme e comunque sul numero degli schiavi presso una o altra marina, ma il loro numero varia sensibilmente anche a distanza di qualche mese ed è dunque difficile trarne valori medi e stabili per lunghi periodi. Nella flotta dei cavalieri di Malta, per esempio, vi erano oltre duemila schiavi nel 1617, 1.284 nel 1632, ma 1.700 nel 1683; se ne

devono supporre e calcolare altri ancora, impiegati per compiti a terra, o malati, o comunque fuori servizio. La flotta spagnola, presente a Lepanto con una quarantina di galere, si può calcolare che impiegasse 3-4mila schiavi; sulla squadra del viceregno di Napoli si trovavano 960 schiavi, contro quasi 4mila forzati . La flotta del regno di Francia toccò il massimo sviluppo nel 1692 con 42 galere, ma la percentuale servile si abbassò al 15-20 per cento, fra 1.200 e 1.600 uomini. A Genova, troviamo poco più di 400 schiavi nel 1668 (circa il 38 per cento dei galeotti); a Civitavecchia, a servizio della flotta dello stato pontificio, nei primi decenni del Settecento gli schiavi risultano in assoluto e in percentuale più numerosi che non nel secolo precedente, circa un quarto della ciurma - fra 400 e 500 uomini nel 1726 e 1727 - mentre nel 1655 si avvicinavano a duecento (191) e nel 1664 a trecento (290). Anche la piccola flotta del ducato di Savoia, da due a quattro galere, aveva nella ciurma una percentuale servile intorno al 20-25 per cento, da un centinaio d'uomini dunque a tre-quattrocento. Possiamo dunque stimare il numero di schiavi a servizio nelle marine europee da dieci a ventimila in media nei secoli XVI e XVII, mentre nel corso del secolo XVIII per il ridursi della esigenza di galeotti al remo o per altri compiti sulle flotte, gli schiavi 'statali' si ridussero di numero e vennero sempre più largamente occupati in altri lavori di interesse pubblico[65].

Dinanzi alla varietà, diciamo pure alla frammentazione e dispersione di aspetti della presenza schiavile in Europa, hanno forse qualche ragione i nostri colleghi storici o di altre discipline che studiano la schiavitù a livello 'globale', a trascurare questi pochi secoli di sparsa presenza servile nei paesi europei. Per conoscerla e valutarla meglio – se così si vuole - dobbiamo ampliare le ricerche, estenderle ad altri spazi, accrescerne e approfondirne i dati; anche l'eventuale accertamento dell'assenza di compravendite, e dunque dell'assenza di schiavi, in certe località o regioni, sarebbe un dato deludente forse per il singolo ricercatore, ma altrettanto prezioso per una più ponderata valutazione del fenomeno. A mio avviso però, l'interesse di quella realtà storica non risiede soltanto nelle sue dimensioni e nella sua rilevanza nella vita economico-sociale delle società 'adottive'. La maggior parte degli schiavi in uno o altro modo sono tornati liberi e sono rimasti presso di noi, hanno assunto i nostri nomi e la nostra cultura, hanno condiviso in quale forma che sia, la nostra fede, perché allora così si riteneva necessario che fosse. Queste pagine di storia – di cui ci siamo a lungo dimenticati - possono perciò aiutarci a comprendere e ad accettare ciò che oggi avviene, ed avverrà sempre più nelle nostre società: gli altri sono di nuovo tra noi, stanno diventando noi e forse, e non peggio, anche noi dobbiamo diventare altri.

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[65] Nell'ampia bibliografia ricordiamo: M. AYMARD, *Chiourmes et galères dans la seconde moitié du XVIe siècle*, in *Il Mediterraneo nella seconda metà del '500 alla luce di Lepanto*, a c. di G. BENZONI, Firenze 1974, pp. 71-94; S. BONO, *Schiavi musulmani sulle galere e nei bagni d'Italia dal XVI al XIX secolo*, in *Le genti del mare Mediterraneo*, a c. di R. RAGOSTA, Napoli 1981, pp. 837-875; IDEM, *Forniture dall'Italia di schiavi musulmani per le galere francesi (1685-1693)*, in *Scritti in memoria di Paolo Minganti*, Cagliari 1983, pp. 83-97; M. FONTENAY, *L'esclave galérien dans la Méditerranée des Temps modernes*, in *Figures de l'esclave*, cit., pp. 115-143 ; L. LO BASSO, *Uomini da remo. Galee e galeotti del Mediterraneo in età moderna*, Milano 2003.

Jeffrey Fynn-Paul

Reasons for the Limited Scope and Duration of 'Renaissance Slavery' in Southern Europe (ca. 1348-ca. 1750): A New Structuralist Analysis

1. Introduction

In previously published articles I argued, based on well-established facts, that Europe was relatively free from slavery during the period from roughly 1050 until 1348.[1] I also pointed out that southern Europeans, particularly in port cities, began to import and to own slaves on a permanent basis soon after the Black Death. One of my contributions was to show that, in Catalonia and in Italy, there were strong economic reasons for town dwellers to want to hold slaves after 1348, since wages had increased dramatically, while profits had stagnated or fallen for many urban elites. I calculated that in Catalonia, the household staff of urban elites was by the 1390s something like 600% more expensive, in terms of purchasing power, than it had been in 1340. This means that late fourteenth-century urban elites could afford to employ, *ceteris paribus*, only 1/6th as many household staff as their parents and grandparents had done before the plague. This obviously caused great alarm amongst urban elites. Furthermore, this fact is likely behind the sudden relaxation of longstanding anti-slavery statues at Florence and elsewhere in southern Europe, which occurred directly after the second major wave of plague struck the region in 1362-63. This second wave of plague is also known to have caused great distress at Manresa (in Catalonia), causing the town fathers to lament that there was a great shortage of manual laborers in the region.

This little paper has two goals. The first is to sketch in broad terms the extent of the phase of European slavery which began in 1348, and lingered on into the seventeenth and eighteenth centuries, particularly in port areas of southern Europe.

[1] For the relative scarcity of slavery in Europe c. 1000-1348, compared with earlier periods, with the caveat that slavery remained more persistent in the areas bordering Islam due to the enslavement of captives, the foundational work remains CH.VERLINDEN, *L'Esclavage dans l'Europe médiévale*, I, *Péninsule Ibérique, France*, Bruges 1955; and II, *Italie, colonies italiennes du Levant, Levant latin, empire byzantin*, Ghent 1977. For some of the extensive literature on the 'death' of early medieval slavery, which led to the ebb of slavery in much of Europe during the high middle ages, see J. FYNN-PAUL, *Empire, Monotheism, and Slavery in the Mediterranean Region form Antiquity ot the Early Modern Period*, in "Past & Present", 205, 2009, pp. 3-40, esp. n. 25. See IDEM,.*Tartars in Spain: Slaves and Slave Owners in Late Medieval Catalonia, ca. 1408*, in "Journal of Medieval History", 34, 2008, 4, pp. 347-359. For the situation in spain before 1348, which saw a 'normalization' or ransoming practises bewteen Christians and Muslims (meaning a dimunition of the chances of remaining enslaved for life), see J. BRODMAN, *Ransoming captives in Crusader Spain*, Philadelphia 1986, and S. BENSCH, *From Prizes of War to Domestic Merchandise: the Changing Face of Slavery in Catalonia and Aragon, 1000–1300*, in "Viator", 25, 1994, pp. 63-93.

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantecinquesima settimana di studi", 14-18 aprile 2013*

I have taken to calling this phenomenon by the name 'Renaissance Slavery,' and I note that it had two distinct phases, as principal slave supply markets shifted from the Black Sea to Africa. Although my emphasis tends to be on how relatively slight, in terms of population percentages, this phenomenon actually was, my goal not at all to belittle its significance: rather, it is to spur further research into the actual boundaries, geographical, temporal, and quantitative, of Renaissance Slavery in Europe.

The second, and more tentative goal of this paper is to suggest some institutional reasons why Renaissance Slavery in Europe remained as limited in scope and space as it did. These suggestions are meant to be a first attempt to frame the causality of a phenomenon (the scope and duration of Renaissance Slavery), as well as suggest some preliminary hypotheses as to why this phenomenon developed in the way that it did, and not in others. It will focus on Renaissance Slavery in Southern Europe, since in Northern Europe, this phenomenon did not begin immediately after the Black Death, but generally began later, as slave owners from colonial regions attempted to bring African slaves back to the home country with them. We might also ask why northwest Europeans, who began to hold slaves in large numbers in the Atlantic and other colonies, did not import more slaves back to their home cities and countries – and why slaves tended to be manumitted after less than a generation, and did not become a structural part of the northwest European economy as slave labor. To my mind, this rather obvious and significant question has not been adequately addressed by recent scholarship.[2] Thus, the case of southern Europe is important *per se*, and might also suggest answers for why and how slavery was received in early modern northern Europe in the way that it was.

2. The Scope and Timing of Renaissance Slavery

My current conception of the scope and timing of Renaissance Slavery is that it occurred in two main surges, each of which were followed by several centuries of lingering 'decadence.' The first surge occurred, as mentioned, after the Black Death, and consisted of slaves from the Black Sea region – thus, we might call this the 'Black Sea phase' of Renaissance Slavery.[3] At this time, the centers of western European slaveholding were Italy and eastern Iberia. This phase began to peter out by the later fifteenth century, though it lingered on into at least the sixteenth.[4] The second surge occurred as slave supplies shifted from the Black Sea to West Africa, beginning in the middle decades of the fifteenth century; and so this marks the beginning of the 'African phase' of Renaissance Slavery. During this phase, the

[2] Cf. the focus on southern Europe in *Black Africans in Renaissance Europe,* F.T. EARLE, K.J.P. LOWE, eds., Cambridge 2005; and also remarks on the difficulties faced by would-be slave owners in renaissance England, in J. FYNN-PAUL, *Empire, Monotheism, and Slavery,* cit.

[3] A classic work remains I. ORIGO, *The Domestic Enemy: the Eastern Slaves in Tuscany in the Fourteenth and Fifteenth Centuries,* in "Speculum", 30, 1955, 3, pp. 321-366, 324. More recently See N. BUDAK, *Slavery in Late Medieval Dalmatia, Croatia: Labour, Legal Status, Integration,* in "Mélanges de l'Ecole française de Rome, moyen âge", 112, 2000, 2, pp. 745-760, and S. MCKEE, *Households in Fourteenth-Century Venetian Crete,* in "Speculum", 70, 1995, esp. pp. 58–65.

[4] EADEM, *Domestic Slavery in Renaissance Italy,* in "Slavery and Abolition", 29, 2008,:3, pp. 305-326.

centers of slaveholding in Europe shifted westwards to Portugal, Andalucia, and the region around Seville.[5]

The Black Death ushered in the first surge of Renaissance Slavery by dramatically increasing wages and reducing elite incomes. I have already argued elsewhere and at length that Europe, as Charles Verlinden's researches still bear testament, had become to an surprising extent 'slave free' during the high medieval period, excepting some liminal regions, which nonetheless had remarkable institutions for restoring (mostly Muslim) slaves to their families, in return for the successful return of Christian captives.[6] After 1348, however, slave labor became compellingly cheap in comparison with non-slave labor in many southern European regions, due partly to the ready availability of animist 'Tartars' from the Black sea, whose and other Black Sea peoples whose disorganized states could not effectively ban the taking of their people as slaves, nor organize ransoms, in the way that Islamic (and, to some extent, Orthodox Christian) states could generally do at the time.

Thus, the comparative cost of labor would seem to be a 'smoking gun' that explains the sudden decision by Italian, southern French, and Iberian authorities to allow the importing and keeping of slaves, after a very strictly enforced, nearly three-century ban on slaveholding. This sudden reversal of policy in itself is remarkable, and deserves recognition. But it is equally remarkable that, since the comparative advantages of slaveholding after 1348 were so great, that this first surge of Renaissance Slavery remained as limited as it did. The contours of this phase of slavery are known to specialists, although even amongst specialists there remains some confusion, due partly to the overlap between the Black Sea and African phases, and the fact that the capture and holding of Muslims continued throughout both phases. Thus, I will attempt to trace the principal bits of evidence that provide the best picture of how the first and second surges played out.

During the Black Sea phase, or first surge, Renaissance Slavery in southern Europe remained largely urban and domestic. The principally effected regions seem to have been Italy and eastern Iberia – which is logical, since these regions had the most extensive trading connections with the Black Sea. While it was once thought that this slavery did not move much beyond port towns, the Catalan evidence shows that many, if not the majority, of inland towns such as Manresa also participated during the 'first surge' of Black Sea slaveholding.[7] For the most part, slavery still did not spread beyond inland urban areas, although there is some evidence that castellans in rural areas did hold slaves during the later fourteenth century.[8] Despite the relatively widespread geographical scope of first surge slavery southern Europe, however, the percentage of the urban population who were enslaved seems never

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[5] See the ongoing work by A. MARTÍN CASARES, including *Esclavitud y Género en la Granada del siglo XVI*, Granada 1998; EADEM, *Free and Freed Black Africans in Granda in the Time of the Spanish Renaissance*, in *Black Africans in Renaissance Europe*, cit., and EADEM, *Evolution of the Origin of Slaves sold in Spain from the Late Middle Ages till the 19th Century*, presented in this volume. Also W.D. PHILLIPS, Jr.., *Slavery in Medieval and Early Modern Iberia*, Philadelphia 2013.

[6] See n. 1, above.

[7] J. FYNN-PAUL, *Tartars in Spain*, cit.

[8] E.g. Manresa, ACB, AHCM Tr. 120 (Ramon Talamanca) 1328-1381.

to have risen above 1 or 2 percent.[9] In rural populations, which even in southern Europe constituted the great majority of people, the figure was generally even lower, and can usually be placed at under 1 percent. This pattern was typical in Catalonia, even during the early fifteenth-century heyday of the slave trade, where a complete census of the population of the medium-sized city of Manresa returns a slave population of 1 percent. One of the best-known estimates which suggests something above this rate, for sixteenth-century Venice, includes slaves with domestic servants, and therefore likely confirms the same proportionality.[10]

The fact that slave numbers remained surprisingly low in most of southern Europe, despite the economic advantages of slaveholding, is due to the fact that slavery did not spread to agricultural workforces, nor was it used to systematically fill in any particular niche in the labor market, outside of simple domestic servitude in a few elite households. Some of the most comprehensive evidence for the systematic use of slave labor in Catalonia is provided by the guild of water boatmen in Barcelona, who for a few decades during the later fourteenth century experimented with using slaves as porters. By the mid fifteenth century, however, popular pressure from different quarters had resulted in the town government legislating an almost total prohibition against the use of slaves in any regulated trade, including weavers, porters, and trumpet players.[11]

Thus, the first surge of Renaissance Slavery, even in its central hubs, seems never to have transformed southern European cities into slave cultures, where slaves made up a considerable proportion of the population and became a structurally important and longstanding part of the work force. Secondly, the duration of this first surge of Renaissance Slavery was relatively brief: as Sally McKee has convincingly shown, the number of slave transactions which translated into 1 or 2 percent of the population being enslaved at the height of the Renaissance Slavery boom, was already in steep decline by the end of the fifteenth century.[12] We have seen that this chronology also holds for Catalonia. The 'heyday' of this first surge of Renaissance Slavery therefore lasted, by best estimate, by less than a century. After the fifteenth century, it would seem that less than 1 percent of the population of Italy, southern France, or Northern or Eastern Iberia was enslaved in a long-term structural sense, with a few exceptions, including periods of war, morisco areas, and a few trading hubs with transient slave populations.

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[9] For similarly low numbers in Portugal, see J. FONSECA, *Black Africans in Portugal during Cleynaerts's visit (1533-1538)*, in *Black Africans in Renaissance Europe*, cit, pp. 113-124, and n. 15, below.

[10] W.D. PHILLIPS, JR., *Slavery from Roman Times to the Early Transatlantic Trade*, Minnessota 1985, p. 106.

[11] R. SALICRÚ I LLUCH, *Esclaus i Propietaris D'esclaus a La Catalunya Del Segle XV: L'assegurança Contra Fugues*, Barcelona 1998 (Consejo Superior de Investigaciones Cientificas, Anejos del Anuario de Estudios Medievales). However, for a (brief) resurgence of slavery in Barcelona, which occurred at the beginning of the "African" phase of slavery but soon died out, see I. ARMENTEROS MARTINEZ, *La esclavitud en Barcelona a fines de la Edad Media (1479-1516). El impacto de la primera trata atlántica en un mercado tradicional de esclavos*, unpub. PhD diss., University of Barcelona, 2012.

[12] S. MCKEE, *Domestic Slavery in Renaissance Italy*, in "Slavery and Abolition", 29, 2008, 3, esp. Pp. 316-17. McKee states that in Genoa, where figures were highest, slaves in the period 1360-1460 migh have been bewteen 2 and 5 percent of the population. At Venice, it was less; in Siena, slavery had already died out by 1400.

Thus we come to what might be called a 'second surge' of Renaissance Slavery, which took root in southern and southwest Iberia, beginning around the time that African slaves began arriving in Portuguese and southern Spanish towns, that is, from the later fifteenth century. This second surge reached its height during the early and middle decades of the sixteenth century, and then it too seems to have declined, after a heyday of less than a century, particularly as slave ships began to go directly across the Atlantic, rather than making a first stop in the ports of southwest Europe.[13] The incorporation of Granada into Spain also brought a population which was used to holding higher numbers of slaves into the Castilian fold, although in 1560 the 'Moriscos' or converted Moors, were forbidden from holding slaves after a series of revolutions, and slaveholding in these regions seems to have declined afterwards.

While slave populations during the first surge seem seldom to have gone above 1-2 percent, even in port towns, during this second phase, they reached more significant numbers, perhaps reaching 10 percent in some ports, and in some regions of southern Portugal, and in the area around Seville – though as yet there are few independent confirmations of figures this high. Other estimates put the number of black Africans, including slaves and freedmen, at about 6-7 percent in some Portuguese cities during the early sixteenth century.[14] Likewise, slave populations seem to have been at about 10 percent in the former lands of Granada after these were incorporated into Castile, again, with a decline after 1560.[15]

These second surge figures probably represent the high water mark for slave (and ex-slave) populations in any European cities and their hinterlands during the renaissance and early modern periods. It should be noted, however, that beyond the port regions of Iberia, and parts of ex-Granadan territory in Andalucia, figures elsewhere in southern Europe were in the 1-2 percent range, if this, by the sixteenth century. Also, higher numbers are difficult to confirm, since in trading hub areas, slave populations were oftentransient, and, subject to further transportation, as well as to ransoming and manumission.[16] Longstanding confraternities in Iberia, which developed during the high middle ages and were geared towards purchasing the freedom of slaves both Christian and Muslim, later provided models for sub-Saharan Africans, who began to ransom their fellows according to these longstanding institutional norms.[17]

As to what happened to Renaissance Slavery after the sixteenth century, the question remains more open. Most studies on this phenomenon tend to end after the sixteenth century, and so figures after this period become quite scarce. In any

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[13] Again, for the impact of this phase in Catalonia, see I. ARMENTEROS MARTINEZ, *La esclavitud en Barcelona*, cit.

[14] These numbers are from J. FONSECA, *Black Africans in Portugal during Cleynaerts's Visit (1533-1538)*, in *Black Africans in Renaissance Europe*, cit, pp. 113-124, p. 115. See also A. SAUNDERS, *A Social History of Black Slaves and Freedman in Portugal, 1441-1555*, Cambridge 1982, pp. 19-28.

[15] A. MARTÍN CASARES, *Free and Freed Black Africans in Granada* , cit., p. 250.

[16] J. FONSECA, *Black Africans in Portugal,* cit, pp. 113-124.

[17] As detailed in D. BLUMENTHAL, *'La Casa dels Negres': Black African Solidarity in Late Medieval Valencia*, in *Black Africans in Renaissance Europe*, cit., pp. 225-247.

event, the consensus seems to be that even in the most affected regions, and in places where colonial slave owners brought slaves back with them, slave populations did not turn into permanent, auto-reproducing groups.[18] There did however continue to be some slave markets, dealing in Muslim slaves, in Italy, throughout the seventeenth century, although to my knowledge these have yet to be systematically studied.[19] Likewise, Lisbon and Cadiz continued to have occasional sales of African slave cargoes through the eighteenth century, although Northwest European cities generally did not allow more than a trickle of imports by colonial slave owners.[20] By the nineteenth century, even the southern European enclaves gradually vanished, as the well-known story of nineteenth-century abolition comes into play. Having thus traced the contours of Renaissance Slavery in southern Europe so far as they are currently known, it is time to turn to an explanation of why Renaissance Slavery might have had such a difficult time gaining purchase in the cities of southern Europe during the late medieval and early modern centuries.

3. Reasons for this Limited Scope: Implications of Institutional Historiography

When giving an earlier version of this paper, I was struck by the vigor with which certain historians (who were not specialists in this period of southern European history) wished to deny the idea that Renaissance Slavery was relatively limited in scope. I must therefore reiterate that, on the contrary, there is little evidence to suggest that Renaissance Slavery in Europe amounted to more than 1 or 2 percent of the population being of slave status, with the principal exception of southwest Iberia during the early sixteenth century, and a few other slave-hub or border regions. Even so, the Black Sea and African surges occurred over a relatively limited period, and came under increasingly restrictive legislation. The interesting question then arises as to why Renaissance Slavery remained relatively limited in time and space, especially since there was, at least at certain times and places, an evidently strong economic logic for the importation and use of slaves as laborers.

The solutions that I am about to suggest derive from my specialization of urban history in southern Europe, during the renaissance, when humanism and republicanism were at various times and places culturally significant movements; and it also derives from my familiarity with those strains of economic historiography which might be called 'institutionalism.' In institutionalist economic history, it is normative to suggest that certain European institutions, such as urban governments, and property regimes, provided certain advantages to those positively affected by them, which helped to precipitate what economic historians now call the 'Great Divergence,' that is to say, the divergence in living standards between Northwest Europe and the rest of the world during the early modern period. This

[18] A. MARTIN CASARES, *La Esclavitud en la Granada del Siglo XVI: Género, Raza y y Religión*, .Granada 2000 and EADEM, *Free and Freed Black Africans*, cit.

[19] *The Diary of John Evelyn*, ed. E.S. DE BEER, London 2006, p. 99.

[20] D. ELTIS, The *Rise of African Slavery in the Americas,* Cambridge 1999, pp. 1-29.

divergence in living standards is now a more or less established fact, based upon enough quantitative evidence that it is very unlikely to be disproven, but only modified. Likewise, institutionalist economic historians in recent years have claimed that phenomena as diverse as the scientific revolution, the enlightenment, the appearance of 'bourgeois values,' and low European interest rates were all the result of institutional divergences.

I thus propose that the limited inroads made by Renaissance Slavery in Europe can be explained by means of similar institutionalist explanations. If this suggests that certain European institutions (such as elite monogamy, and urban oligarchy-republicanism) ended up discouraging the spread of slavery, relative to its levels in other contemporary world societies, this should hardly be taken as a defense of any innate European particularism. My own training as a scientist has led me to take a rather Hobbesian view of humanity; people will on the whole operate abominably in the public (and often the private) sphere unless checked by institutions that encourage otherwise. If I suggest that, due to geographical and cultural particulars, certain European institutions tended to discourage the spread of slavery at particular times, this is hardly a defense of a Europe which was creating more than its fair share of misery for the great majority of Europeans, and which was also busily at work in the Atlantic world and elsewhere, creating one of the largest-scale and most reprehensible slave systems ever known. While some of these institutions eventually came to benefit a majority of people in western countries by the later twentieth century, during earlier periods they only tended to benefit elites, and arguably made life worse for the majority of people affected by them (e.g., by precipitating the factory labor system).

That being said, I would now like to suggest six factors which, as I suspect, made it difficult for Renaissance Slavery to penetrate southern European society (and perhaps Northern European society as well). Most of these, except the first, are institutional. They are, a) macroeconomic trends, b) path dependency based on the previous evolution of a 'slave-free' labor market,' c) codes of written laws, d) urban republicanism, e) continued clerical ambivalence, and f) nearly universal monogamy (including amongst elites, whose example mattered most).

a) *Macroeconomic trends*

The first and most obvious explanation for the limited scope of slaveholding during the Renaissance Slavery period was the fact that real wages in most parts of Europe, after rising significantly during the period 1348-1400, began a long period of settling which lasted for the entire fifteenth century. Similarly, prices throughout Western Europe also fell during the fifteenth century. Although wages and prices never fell to pre-1348 levels, so far as can be ascertained, this long-term wage and price trend nonetheless means that the situation which was so alarming to elites in the later half of the fourteenth century, which had led to the decision to import slaves in the first place, was less and less pressing as the fifteenth century wore on.

The lowering pressure on wages and prices, however, did not entirely alleviate the needs of landowners, who, as the Catalan *remença* conflict makes clear, were still

faced with a 'crisis of signeurial income' in many parts of Europe during the fifteenth century. Why, then, did feudatories not insist on an opening up of slave markets as a means of manning their farmsteads and dramatically increasing their revenue? Some of the answer must come from the combination of forces which saw the transformation from crop-based agriculture to animal husbandry during these same centuries. In England, where importing slaves did not generally enter into economic logic during the later medieval period, due to a lack of direct ties with the Mediterranean or with Russia where non-Christian slaves were available, landlords faced with a scarcity of tenants found increased profitability in the raising of herds of sheep. Indeed, the profits from sheep rearing generally outstripped that of maintaining tenant farmers in many parts of England throughout the early modern period, a fact which underlies the increasing pace of enclosure through the eighteenth century.

The increased profitability of animal husbandry vis à vis labor-intensive farming also mirrors a shift from bulk towards luxury items which reflects a general realignment of European consumption patterns during the last century of the middle ages. Rather than spending their incomes on increased numbers of servants during the later medieval period, urban and landholding elites turned towards conspicuous consumption, and the procuring of specialized luxury and household items, during the fifteenth century. The houses of Manresan elites, for example, were furnished much more sumptuously ca. 1400 than they had been ca. 1300; in fact the number and quality of household furnishings reached a level of sophistication by 1400 which did not substantially alter until the nineteenth century. In other words, many areas of production shifted towards smaller-scale, higher quality work, as a result of changes in demand which accompanied the Black Death.[21] This also made the importation of slave labor less appealing than it might have been had tastes and demands remained similar to their pre-1348 patterns. And while some urban elites undoubtedly saw the ornamenting of their homes with slaves as an aspect of the new fashion for conspicuous consumption, this in itself helped to ensure that slaves remained a niche market.

b) *Path dependency based on a 'slave free' labor market*

The next reasons for the relatively small scale of Renaissance and Early Modern slaveholding in Europe are less concrete than reason a), but nonetheless must be included as part of a comprehensive model of Europe's apparent 'resistance' to slave importations after 1348. One reason must surely be that, for the three centuries between ca. 1050 and 1348, the European economy had to develop almost entirely without slave labor *per se*.[22] In the countryside, this led to the imposition of servile status on peasants in many regions, but, as Stephen Epstein

[21] J. AURELL I CARDONA, *Els Mercaders Catalans Al Quatre-cents: Mutacio De Valors i Proces D'artistocratitzacio a Barcelona, 1370-1470*, Lleida 1996 (Pages Editors).

[22] Again, see J. FYNN-PAUL, *Empire, Monotheism, and Slavery*, cit.'

has chronicled, it led, in the cities, to the creation of a wage laboring sector.[23] Often, labor contracts in high and late medieval cities were settled on an annual basis, although in many cases labor was more casual and hired by the day or by the week. By most accounts, this labor system expanded greatly in the demographic upheavals which followed the Black Death, leading to an even more developed wage laboring sector, which increasingly encompassed rural labor as well as urban production processes. In Catalonia, Salicru Lluch has provided strong evidence suggesting that slave labor was seen as an unfair sort of competition, contrary to prevailing guild structures and other labor practices, and as a result, once wages no longer seemed as alarmingly high as they had done in the decades after the Black Death, laborers and guildsmen were able to successfully fight against any use of slave labor, on this grounds of unfair competition.

In fact, it seems that most of the Africans who remained for extended periods in early modern England were kept not as slaves, but under the same terms as domestic servants.[24] In this rather straightforward, but generally unremarked way, the institution of 'slavery' did not have to be introduced into English law, and elites were able to maintain 'exotic' servants without occurring any of the opprobrium which was associated with slaveholding in English society. The fact that slaveholding was normative in parts of the colonial empire did not readily translate into an acceptance of slaveholding in the mother country. The highly developed nature of the wage labor market, coupled with the fact that, by the sixteenth century, wages had once again fallen to a relatively low level, thus provided a ready alternative to slavery, which had all the force of a path dependency which had developed over a period of several hundred years.

c) *Codes of Written Laws*

This reason continues and expands upon the path-dependency argument introduced in b), above. Much of the reason why the wage economy could expand so prolifically during the fourteenth century was that this century witnessed an explosion of recordkeeping across Europe.[25] This made it much easier for masters (and laborers) to have recourse to local courts in the event of conflict, and made the hiring process all the more streamlined. Advanced bookkeeping techniques made it easier to hire larger numbers of casual laborers, and to keep track of larger numbers of payments. This encouraged a depersonalization of labor contracts.

But the spread of writing does not only work in the direction of increasing rationalization and depersonalization: it also works to maintain and even ossify an existing system or labor relations. For example, the writing down of various feudal

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[23] S. EPSTEIN, *Wage Labor and Guilds in Medieval Europe*, Chapel Hill 1991 (University of North Carolina Press).

[24] For one of the relatively scarce mentions of this problem, see D. BRION DAVIS, *Looking at Slavery from Broader Perspectives*, in "The American Historical Review", 105, 2000, 2, pp. 452-466, 458.

[25] See e.g., G. ROSSER, *Big Brotherhood: Guilds in Urban Politics in Late Medieval England*, in *Guilds and Association in Europe, 900-1900*, I.A. GADD, P. WALLIS eds., London 2006 (Centre for Metropolitan History), pp. 27-42.

codes, which in Catalonia occurred quite early beginning with the redaction of the *usatges* in 1086, gave resilient codes of rights not only to landlords, but also to rural tenants. Thus, for example, tenants whose entire families had died during the Black Death were nonetheless protected by a feudal law which stated that lords could not claim vacant farms from their tenants, and reassign them to new tenants, unless a period of twenty years had passed since the death of the last known claimant to the tenure.[26] Faced with such a rigid code of feudal customs in the countryside, it is quite understandable that landlords found it impracticable to give tenancies to newly-purchased slaves. Such a move might well have been found 'unconstitutional' in many ecclesiastical or feudal courts, simply because there was no precedent for such a move. In all likelihood, a slave who was given the tenancy of a Catalan mas, or manse, would have had to have had the status of 'tenant' bestowed upon him: and this status stipulated that the tenant was a hereditary and free individual. Thus, the very notion of slavery was antithetical to the laws of tenancy in late medieval Catalonia: even in those regions where the *ius maletractandi* was customary.

d) *Urban Republicanism*

Intimately Related to the development of a labor market and the proliferation of written laws in western Europe during the high and late medieval centuries, was the fact that, by 1300, most sizeable towns in western Europe had either created, or been granted, a form of government which I have elsewhere described as 'polyarchal,' but which is normally described by various other words, including 'republcian,' or 'oligarchal.' The salient point, however, is that these town governments were ruled by a coalition of ostensible equals, meaning that, even if the town had a 'lord' there was also a level of government amongst the citizens, which required decisions and laws to be made by small groups or committees, who attempted to convince each other of the rightness of their opinions, and who voted on matters of civic import. The widespread nature of these 'polyarchal' urban governments meant that impersonal, 'public' forms of administration, and bureaucratization, became increasingly common. The very fact that town leaders were not leaders for life, but were often elected for terms lasting only a single year, meant that good records had to be kept regarding public finances and laws, in order to ensure continuity over time. This in turn led to the proliferation of networks of notaries and town scribes, who kept books in public scrivanies, which served as a locus of public memory. These thousands of urban centers, with their networks of scribes, notaries, and records, provided an institutional framework for the proliferation of writing, record keeping, and bureaucratization beyond the courts of sovereigns.

This culture of literacy and public governance created many effects beyond those which have been described above, and one of the most important for our purposes is that it created, amongst civic elites, a sense of 'republican' equality. The effects of this mentality on urban elites is necessarily very difficult to measure, but it goes without saying that the trappings of Roman republicanism, which saw itself

[26] ACB, *Familia Talamanca,* cit.

as opposed to 'tyranny,' were not the sole province of the Florentine rhetoricians who fought the Visconti and other signori in the later fourteenth and early fifteenth centuries. In Bruges, sixteenth-century public monuments are emblazoned with the letters SPQB – an obvious act of republican allegiance, enacted despite the city's nominal submission to the great emperor Charles V. And even in smaller towns such as Manresa, in Catalonia, urban elites grew in literacy and self-confidence during the course of the fourteenth century, and came to see themselves as, in many respects, the equals of the local squirearchy. They were very proud, especially, of their right to represent the city in parliament, in consultation with the great magnates of the realm. The sense of *communitas*, then, which pervaded many urban elites, was widespread across late medieval Western Europe, and may well have contributed to a feeling of unease regarding the adoption of slaving norms.

e) *Clerical ambivalence*

If urban elites might have felt some compunction against slavery due to the rhetoric of 'republicanism' which often accompanied their duties as urban governors, it is true that many clerical elites continued to preach against slavery throughout this period, especially when it was close to home. In fact, almost nothing had to be said against the enslavement of Latin Christians by Latin Christians during this period, since this practice was widely regarded as taboo, and would have been decried as unnatural by any ecclesiastical authority.[27] In fact, during the thirteenth and early fourteenth centuries, (that is, prior to the demographic catastrophe brought by the Black Death), the papacy had regularly spoken against the holding of Muslim slaves by Catalan Christians, particularly if they had converted to Christianity.[28] The official clerical line was that any slave who converted to Christianity should, ideally, be freed. In reality, converted slaves were usually manumitted at the death of their masters, or at least sold; this occurrence was frequent, precisely because the holding of slaves was seen as immoral, and a grave danger to the souls of the departing person. The Manresan patrician Jaume Sarta was thus quite typical when, in the months prior to this death in 1388, sold his slave, most likely to avoid the stain of sin upon his immortal soul.[29] The power of these longstanding taboos, which as I have emphasized elsewhere had developed during the Church's own struggle, during the eighth through the eleventh centuries, against Christians enslaving one another for the purpose of supplying Islamic slave markets, should not be underestimated for continuing to fuel European ambivalence regarding slavery during the entire early modern period. The continuance of these sentiments is undoubtedly behind the ruling by one Elizabethan court: it decreed that the keeping of slaves in England was improper, because 'English air made one free.'[30]

[27] J. FYNN-PAUL, *Empire, Monotheism, and Slavery*, cit., 31-35.

[28] S. BENSCH, *From prizes of war*, cit.

[29] AHCM Tr. 224 (Jaume Sarta) 1351-1381 (actually 1389).

[30] R. HELLIE, *Slavery in Russia, 1450–1725*, Chicago 1982.

22 n. 32.

f) *The power of the household form: monogamy and slavery in southern Europe.*

But perhaps the most important cultural reason why slavery did not do much more than scratch the surface of the late medieval and early modern European labor market, is the fact that European households were almost exclusively based on a nuclear model, nominally headed by a man, who was allowed to have a single legal wife, and who was generally discouraged by clerical censure and public custom from openly keeping mistresses in his own house. Even in southern Europe, which is considered by many to have been 'less nuclear' than northwest Europe in the later middle ages, extended families living under one roof were comparatively rare.[31] Older people preferred to maintain their own households if they had the means, and children were expected to move from the house: men became 'emancipated' at age 25, and women married and entered into a household with their husbands, somewhat earlier.[32]

The effects of the nuclear household on slave-holding patterns in late medieval Europe have been evident at least since the publication by Iris Origo of her classic article entitled 'The Domestic Enemy.'[33] Other important work focusing heavily on this theme includes that of Susan Mosher Stuard, Sally McKee, and, for Spain, Debra Blumenthal. I would like to point out that, in general, the European literature on renaissance domestic slavery tends to assume the nuclear family as normative, when in fact, this arrangement was peculiarly strong in Western Europe, and was not normative amongst elites elsewhere in the world. While it is true that many poorer and middling Ottoman households, for example, were 'nuclear' in the sense that they were centered around a single man and his wife, it is also true that amongst elites, who held much of the wealth and who set societal norms, polygamy was much more common than in Europe. In Europe, polygamy was virtually non-existent, due to the peculiarities of the Graeco-Roman inheritance, which had been adopted by late antique Christianity. It was normative outside of this sphere for wealth to increase the probability of polygamy: in other words, this was a practice which was entirely socially acceptable in most regions, and which for many men represented a social ideal.

Studies of European domestic slavery are thick with stories relating to the sexual tensions created by slaves entering a household. It is not for nothing that the title of Origo's article is 'The Domestic Enemy.' It was not simply that slaves represented a potentially sullen, captive, foreign, and murderous element, living under the same roof as the heads of household and their families, but it was also, quite clearly, the case that wives resented the fact that slaves were, even more than household servants, cut off from social, familial, and legal networks which might create repercussions in the event that the householder entered into sexual relations

[31] This can be seen at Manresa from ACB, *Liber Manifesti*, 1408.

[32] For one of the more recent and comprehensive treatments of late medieval marriage patterns and households in Europe, see T. DE MOOR , J.L. VAN ZANDEN, *Girl Power: the European Marriage Pattern and Labour Markets in the North Sea Region in the Late Medieval and Early Modern Period*, in "Economic History Review", 63, 2010, 1, pp. 1-33.

[33] I. ORIGO, *Domestic Enemy*, cit.

with them. For wives, then, the entrance of female slaves in particular represented the entrance of a 'domestic enemy,' who competed for her husband's sexual, and possibly, his emotional, affections, as well. We need not look far in order to find cases such as this in the existing literature. Some love affairs between masters and their female slaves are known to have consumed considerable amounts of emotional energy, and legal and economic resources, over a period spanning decades.[34] Slaves are known to have been the direct cause of the breakup of marriages. In brief, the entrance of such a slave into the household constituted a genuine threat to the stability of the household, particularly from the point of view of the wife. Wives were also highly concerned in renaissance southern Europe with the transmission of goods to their own offspring, since this could be expected to support them in the likely event that they survived their husbands and spent a considerable period of their lives as widows. The threat that illegitimate children posed to the widow's patrimony, and that of her children, was real, and could never have been far from the mind of any wife whose husband announced that he was looking to purchase a slave.

One may well wonder, then, why monogamy did not, at first sight, have a similar effect in those best studied of all slaveowning societies, the antebellum American south, and other New World slave plantation societies. A principal reason for this, it would seem, is that quite early in the New World slaving system, race came to be the defining characteristic of slavery, while in the Mediterranean context, religion long trumped race as a primary justificiation for slavery. The fact that race, rather than religion, came to be so much more important in the new world context, might have made it easier for slaves to remain 'other,' and ostensibly less interfering in intra-household relations. Secondly, New World slavery was primarily plantation slavery, in which a significant proportion of the workforce on a large plantation was, by the mid-eighteenth century, typically composed of numbers of African slaves. In this way, it was easier for masters to pretend to wives that majority of slaves would live out of the house (despite the fact, of course, that many slaves were used as domestic servants). A second factor is the raw economic fact that slaves were seen as integral to the functioning of a southern plantation. Since profitability was seen to depend so fundamentally upon the presence of African slave labor forces (again, such profitability had almost never been a factor in the Mediterranean context), there was a high degree of acceptance of slavery by both men and women. Furthermore, by the eighteenth century, the majority of European immigrants chose to come to a given slaveholding region in full knowledge that slavery was an integral part of the local community. When the transition to African slavery occurred, largely during the seventeenth century, there had been very few farmers in the lands that would come to constitute the American south, or other slaveholding regions, and the ever-increasing numbers of immigrants thus knew before arrival that they were coming to settle in a slaveowning society. The fact that what would become the southern U.S. was for most of the seventeenth century almost entirely devoid of European settlers meant

[34] E.g., D. BLUMENTHAL, *Enemies and Familiars: Slavery and Mastery in Fifteenth-Century Valencia*, Ithaca 2009 (Cornell), pp. 122-153.

that this society was not yet 'path dependent' but that the new settlers were free to adopt the highly successful Caribbean plantation model to southern farming. Finally, by the eighteenth century, a newly-created path dependency meant that many masters and mistresses had grown up with plantation slavery as a normative backdrop to their experience, and so they had all learned from childhood to cope with and derive advantages from the existing system.

4. Conclusion

The American antebellum example thus serves to further highlight some of the ways in which monogamy worked as a brake on slavery in renaissance and early modern Europe. Because it was seen as the heart of the European social structure by clerical moralists and by the majority of adult men and women alike, it provided further structural reasons why women and men in urban households would prefer to avoid slave ownership, and engage hired domestic servants instead. The other factors which have been mentioned, including wage labor, sophisticated contract law and bureaucratic techniques, clerical ambivalence, and urban republicanism all contributed to a society which had a strongly path-dependent resistance to the introduction of slavery as an alternative or supplementary source of labor. Slavery made little or no inroads into a rural labor force which was protected by centuries of tradition and law from the sort of radical change which the introduction of rural slavery would have represented; and perhaps more surprisingly, even urban labor markets in much of southern Europe were in the process of legislating slavery back out of the picture by the middle of the fifteenth century.

As a final note, we may point out that, because most of both southern and northern European society proved relatively impervious to slave importations after 1348, and also after the creation of the Atlantic slave system, despite the relative availability of slaves and the cost-effectiveness of slaveholding, this resistance helped to set the stage for the early modern abolition movement. In its ultimately decisive British form, the abolition of slavery would have been much more difficult to push through parliament had the majority of parliamentarians held slaves in their own households (and not merely as overseas investments). As is well known, the British abolition movement then influenced other western countries, and abolitionism was further imposed upon much of the world through the operations of British colonial and imperial authorities, until, by the early twentieth century, slaveholding had largely disappeared from global society. An analysis of the reasons behind the limited scope of later medieval and early modern slavery in Europe thus holds the keys to why the extremely anomalous situation of a relatively slave-free society in one corner of the early modern world became normative in contemporary global society.

Anti Selart

*Slavery in the Eastern Baltic in the 12th-15th Centuries**

Serfdom shaped the social and economic history of the Baltic area from the late Middle Ages to the very beginning of the 19th century. It developed in the Late Middle Ages by the 15th century parallel to formation of the corvée-based manoral economy and existed until the agrarian reforms in the 1800s and 1810s. The ethnic and social boundaries in this area coincided roughly even as late as 1900, creating a confrontation between German lords and Estonian or Latvian peasants. The fact decisively influenced the political and cultural discourses in the region in the 19th and 20th centuries and framed emerging national ideologies.[1] In local historiography it resulted in the phenomenon that while early modern serfdom is a widely discussed issue here,[2] high medieval slavery in the Baltic never attracted as much research. Slavery – owning people as property – ceased to exist in the 15th century in this area. In contrast, the serfdom consisted in the unfree status of the majority of the peasants who nevertheless more or less independently ran individual farms and preserved their legal capacity.

The focus of the historical investigations was on the loss of "freedom" and the emergence of serfdom of the indigenous population. Medieval "freedom", in turn, has mainly been discussed as a political and not as an economic, legal or cultural topic. Actually, the overlooking of medieval "western" slavery in the historical research is not a typically Baltic occurrence, but is instead a common European issue.[3] The distinctiveness of Livonia and Prussia lies in the close connection between slavery and the crusades. The conquest of Estonia, Latvia, and Prussia by predominantly German and Danish crusaders in the 12th and 13th centuries developed in the 14th century into more or less continuous war between the Teutonic Order and Lithuania.[4] The crusader texts accepted their local adversaries as heathen or, occasionally, apostate peoples.[5]

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[1] L. KALJUNDI, *The Chronicler and the Modern World. Henry of Livonia and the Baltic Crusades in the Enlightenment and National Traditions*, in *Crusading and Chronicle Writing on the Medieval Baltic Frontier. A Companion to the Chronicle of Henry of Livonia*, M. TAMM, L. KALJUNDI, C.S. JENSEN eds., Farnham 2011, pp. 409-456; A. SELART, *Historical Legitimacy and Crusade in Livonia*, in *A Storm against the Infidel. Crusading in the Iberian Peninsula and in the Baltic Region in the Central Middle Ages*, T.K. NIELSEN, I. FONNESBERG-SCHMIDT eds., forthcoming.

[2] CH. SCHMIDT, *Leibeigenschaft im Ostseeraum. Versuch einer Typologie*, Köln 1997; M. SEPPEL, *Three Definite Conclusions in Indefinable Serfdom*, in "Chronica. Annual of the Institute of History, University of Szeged", 9/10, 2011, pp. 213-219.

[3] Cf. *Serfdom and Slavery. Studies in Legal Bondage*, ed. M.L. BUSCH, London 1996; D.R. WYATT, *Slaves and Warriors in Medieval Britain and Ireland, 800-1200*, Leiden 2009 (The Northern World 45), pp. 1-60.

[4] A. EHLERS, *The Crusade of the Teutonic Knights against Lithuania Reconsidered*, in *Crusade and Conversion on the Baltic Frontier, 1150-1500*, ed. A.V. MURRAY, Aldershot 2001, pp. 21-44.

[5] M. PRESTWICH, *Transcultural Warfare – The Later Middle Ages*, in *Transcultural Wars from the Middle Ages to the 21st Century*, ed. H.-H. KORTÜM, Berlin 2006, pp. 43-56.

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantecinquesima settimana di studi", 14-18 aprile 2013*

In fact, the only context that has stimulated a detailed discussion of Baltic slavery in the historical research has been in relation to the question of the social stratification of local pre-crusading societies and the changes caused therein by the conquest. Another relevant question in this context is the degree of difference or similarity between indigenous Baltic societies in the 11th-12th centuries and in neighbouring areas such as Scandinavia and Russia, where slavery existed throughout the High Middle Ages and, in Russia, even later. The native pre-crusading societies in Estonia and Latvia have been idealized as if they had been prehistoric democracies in which alien slaves played a marginal role if any or they are instead imagined as military societies with a well-developed hierarchy in which slaves were a major economic resource.[6] Today the standard scholarly consensus is that slavery indeed existed in pre-Crusades Estonia and Latvia, but its extent was limited.[7] As the indigenous Baltic societies did not, however, produce written sources, "outside" records remain quite ambiguous in this regard. For instance, the crusading Chronicle of Henry of Livonia (1220s) states that the capturing of people from Swedish and Danish coastal areas, especially women, and their rape, sale and polygamic marriage was allegedly a common practice of the (heathen) Osilians and Curonians.[8] One must, however, keep in mind that piracy and rape were considered to be typical features of pagans in medieval Christian literature.[9]

From an archaeological point of view there is no information about the number, origin or legal status of slaves in the Viking Age and in post-Viking Age Estonia. However, as the price of slaves could not have been very different from that in neighbouring areas such as Scandinavia and Russia, the relatively high prices of slaves and the leading role of the nobility in organizing forays most likely limited the possession of slaves to the social elite.[10] The "standard" price of a slave in the High Medieval Scandinavian legal codes was fixed at the comparatively high level of three marks. That was certainly not the real price of an individual slave, but it gives a general idea of the value scale.[11]

It has been estimated that the proportion of slaves in Viking Age Norwegian society may even have reached 25% of the total population. The majority of those slaves were born in slavery, especially after the Viking raids ended. In the 12th and 13th centuries Scandinavian slavery gradually declined. The rapid population growth in Viking Age and High Medieval Scandinavia resulted in the replacement of slave labour with hired labour and small "family" farms; the earlier principal division in the society between freeman and slave was replaced by the division between wealthy and poor. The spread of Christian ideas advocated manumission, and the royal power had an interest in increasing the number of its subjects and taxpayers. As a result, heritable slavery disappeared in Denmark in the middle of the 13th century, and in Sweden about one century later. In 1335 King Magnus Eriksson of Sweden ordered that no

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[6] H. MOORA, H. LIGI, *Wirtschaft und Gesellschaftsordnung der Völker des Baltikums zu Anfang des 13. Jahrhunderts*, Tallinn 1970, pp. 35-36; I. ARENS, *Træl. Estland*, in *Kulturhistoriskt lexikon för nordisk medeltid från vikingatid till reformationstid*, vol. 19, Malmö 1975, pp. 26-27; A. ŠNĒ, *Stammesfürstentum und Egalität: Die sozialen beziehungen auf dem Territorium Lettlands am Ende der prähistorischen Zeit (10.-12. Jahrhundert)*, in "Forschungen zur baltischen Geschichte", 3, 2008, pp. 33-56; H. VALK, *Estland im 11.-13. Jahrhundert. Neuere Aspekte aus Sicht der Archäologie*, in "Forschungen zur baltischen Geschichte", 3, 2008, pp. 57-86.

[7] E. TARVEL, *Gesellschaftsstruktur in Estland zu Beginn des 13. Jahrhunderts*, in *The Feudal Peasant in the Eastern and Northern Europe*, J. KAHK, E. TARVEL eds., Tallinn 1983, pp. 149-159, 157.

[8] *Heinrichs Livländische Chronik*, L. ARBUSOW, A. BAUER eds., Hannover 1955 (Scriptores rerum Germanicarum in usum scholarum ex Monumentis Germniae historicis separatam editi [31]), cap. VII.1, cap. HCL XXX.1.

[9] CH. TYERMAN, *Henry of Livonia and the Ideology of Crusading*, in *Crusading and Chronicle Writing*, 23-44, 37-38.

[10] A. TVAURI, *The Migration Period, pre-Viking Age and Viking Age in Estonia*, Tartu 2012 (Estonian Archaeology 4), pp. 234, 316.

[11] N. SKYUM-NIELSEN, *Nordic Slavery in an International Setting*, in "Mediaeval Scandinavia", 11, 1982, pp. 126-148, 141-142.

person born of Christian parents should be a slave any longer.[12] Even when there were quite a large number of slaves in High Medieval Scandinavia, there was no real "slavery-based" economy. In the post-Viking period, the majority of slaves served in the domestic sphere, and on agricultural estates they toiled alongside tenants and hired workers.[13]

The peak of the slave trade in Eastern and Central Europe arrived in the 8th-11th centuries. Slaves of Eastern European origin were exported not only to the Arab world, but also to Western Europe, where the original ethnonym 'slave' gradually obtained the new meaning 'proprietary person'.[14] In Northern Germany and Poland slavery disappeared in the 12th-13th centuries, and the last cases of the trade in large numbers of people here was noted in the context of the wars of the second half of the 12th century.[15] The Grand Duchy of Lithuania preserved its connections with the Black Sea and Mediterranean slave trade in the Late Middle Ages, mostly selling prisoners of war.[16]

The economic importance of slavery in Russia decreased in the 12th and 13th centuries. The military activity of local princes declined; the Christian church denounced aspects of slavery. Slaves deployed in agriculture began to form the unfree peasantry. Nevertheless, slaves did not disappear here. The number of slaves (*холопы*) remained higher in Russia (especially the eastern and central parts of the country) than in the Baltic region, albeit their economic role in parts of western Rus' like Novgorod was limited to household duties.[17] Russian military actions in the Baltic area resulted in the abduction of great numbers of prisoners for sale into slavery even as late as the 15th and 16th centuries, often in Oriental markets.[18]

In the Livonian written sources, slaves appear simultaneously with the beginning of the Baltic crusades, i.e. in around 1200. In the Livonian texts of the 13th-14th centuries, the common word denoting persons who were captured and removed during war is *captivus*. They were objects of sale,[19] but the word *sclavus* was not used in this specific context.[20] In

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[12] TH. LINDKVIST, *Landborna i Norden under äldre medeltid*, Uppsala 1979 (Acta Universitatis Upsaliensis. Studia Historica Upsaliensia 110), pp. 129-139; R.M. KARRAS, *Slavery and Society in Medieval Scandinavia*, New Haven 1988; K. LUNDEN, *Overcoming Religious and Political Pluralism. Interactions between Conversion, State Formation and Change in Social Infrastructure in Norway c. AD 950–1260*, in "Scandinavian Journal of History", 22, 1997) pp. 83-97, 93-96; D. STRAUCH, *Grundzüge des mittelalterlichen skandinavischen Sklavenrechts*, in *Von den* leges barbarorum *bis zum* ius barbarum *des Nationalsozialismus. Festschrift für Hermann Nehlsen zum 70. Geburtstag*, TH. GUTMANN *et al.* eds., Köln 2008, pp 224-265; IDEM, *Mittelalterliches nordisches Recht bis 1500. Eine Quellenkunde*, Berlin 2011 (Ergänzungsbände zum Reallexikon der Germanischen Altertumskunde 73), pp. 32-37, 54-56, 99-103, 547-548.

[13] E. ORRMAN, *Rural Conditions*, in *The Cambridge History of Scandinavia*, 1, ed. K. HELLE, Cambridge 2003, pp. 250-311, 308-311.

[14] CH. VERLINDEN, *Ist mittelalterliche Sklaverei ein bedeutsamer demographischer Faktor gewesen?*, in "Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte", 66, 1979, pp. 153-174, 159-164; J. HENNING, *Gefangenenfessel im slawischen Siedlungsraum und der europäische Sklavenhandel im 6. bis 12. Jahrhundert. Archäologisches zum Bedeutungswandel von „sklābos-sakāliba-sclavus"*, in "Germania. Anzeiger der Römisch-germanischen Kommission des Deutschen archäologischen Instituts", 70, 1992, pp. 403-426; S. GAWLAS, *Fürstenherrschaft, Geldwirtschaft und Landesausbau. Zum mitteralterlichen Modernisierungsprozess im piastischen Polen*, in *Rechtsstadtgründungen im mittelalterlichen Polen*, ed. E. MÜHLE, Köln 2011 (Städteforschung, A, 81), pp. 13-76, 30-36; F. IRSIGLER, *Wann wird aus* servus = *Sklave* servus = *Knecht?*, in *Sklaverei und Zwangsarbeit zwischen Akzeptanz und Widerstand*, E. HERRMANN-OTTO *et al.* eds., Hildesheim 2011 (Sklaverei – Knechtschaft – Zwangsarbeit 8), pp. 60-74.

[15] HELMOLD von Bosau, *Slawenchronik*, ed. H. STOOB, Darmstadt 1963 (Ausgewählte Quellen zur deutschen Geschichte des Mittelalters 19), p. 376 cap. 109.

[16] S. GAWLAS, *Fürstenherrschaft*, cit., pp. 38-39.

[17] A.A. ZIMIN, *Холопы на Руси (с древнейших времен до конца XV в.)*, Moskva 1973, pp. 234-269; R. HELLIE, *Recent Soviet Historiography on Medieval and Early Modern Russian Slavery*, in "Russian Review", 35, 1976, pp. 1-32; R. HELLIE, *Russian Slavery and Serfdom, 1450-1804*, in *The Cambridge World History of Slavery*, 3, D. ELTIS, S.L. ENGERMAN eds., Cambridge 2011, pp. 275-295, 277-279.

[18] J. KORPELA, *Finno-Ugric captives in trade of slaves on the Volga way,* in "Средневековые тюрко-татарские государства", 4, 2012, pp. 159-169; *Die Chroniken der niedersächsischen Städte. Lübeck*, 5/1, Leipzig 1911 (Die Chroniken der deutschen Städte 31), p. 244.

[19] *Heinrichs Livländische Chronik*, cap. XXX.1.

comparison, the contemporary Russian chronicles also repeatedly mention captured people, but do not denote them as *холоп* or *роба* ('slave').[21] The typical expression for slaves in Livonia was "thrall" (Middle Low German *drell, drelle*), a word of Scandinavian origin that seems to be a specific Livonian term in medieval German.[22] The Low German *egen* and Latin *proprius* are also sometimes used with the same meaning[23]. There was no exact terminological differentiation between these expressions, and in the vocabulary of legal texts, *proprius* and *drell* can sometimes also stand for *captivus*.[24]

It is not always clear whether the term *servus* used in Medieval Latin sources from Livonia refers to a "real" slave or an unfree peasant,[25]. The *servi* mentioned in the 1255 treaty between the Livonian Master of the Teutonic Order and the leaders of the Osilians[26] were most probably servile peasants,[27] because the agreement discusses the limitation of their hereditary rights.[28] In the multilingual versions of the 1323 treaty between Livonia and Gediminas, Grand Duke of Lithuania, the Latin *servus proprius* corresponds to the German *drell*.[29] It is unclear to which category the *servi* of the Bishop of Curonia "rented" by the Bishop to the Teutonic Order for castle building in the 13th century[30] belong. Additionally, the condition of the Christians captured by Lithuanians was called *servitus*, always *miserabilis* or *artus*, in the local chronicles of the Teutonic Order.[31]

Thus slavery was primarily connected with captivity[32] in the Livonian high and late medieval sources. Crusaders, military orders and King Valdemar II of Denmark had conquered Estonia by the 1230s and Latvia by the year 1300/1310.[33] The nearly permanent state of war in Livonia in the 13th century was followed by the crusades of the Teutonic

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[20] E. TARVEL, *Gesellschaftsstruktur*, cit., p. 157. Cf. *Chartularium Lithuaniae res gestas magni ducis Gedeminne illustrans*, ed. S.C. ROWELL, Vilnius 2003, no. 30 p. 96, no. 33 p. 104, no. 34 p. 108, no. 35 p. 112.

[21] J. KORPELA, *"...and they took countless captives along". Finnic Captives and East European Slave Trade during the Middle Ages* in *Slavery, Ransom and Liberation in Russia and the Steppe Area, 1500-2000*, CH. WITZENRATH, ed. (forthcoming).

[22] *Deutsches Rechtswörterbuch. Wörterbuch der älteren deutschen Rechtssprache*, I-II, Weimar 1932-1935, col. 1106, indicates only Livonian examples of the word usage.

[23] *Die Quellen des rigischen Stadtrechts bis zum jahr 1673*, ed. J.G.L. NAPIERSKY, Riga 1876, p. 46 §45.

[24] *Ibid.*, p. 46 §45 cf. p. 7 §21, pp. 46-47 §46. The "Mirror of the Saxons" which influenced the Livonian legal texts used the word *egen* in the meaning of "serf": *Sachsenspiegel. Landrecht*, ed. K.A. ECKHARDT, Göttingen 1955 (Monumenta Germaniae historica. Fontes iuris Germanci antiqui, Nova seires 1/1), e.g. I.16§1 p. 82, I.51§2 p. 108, III.32§2 p. 213, III.69§2 p. 254, III.80§2 p. 263.

[25] R. KÖHN, *Wahrnehmnung und Bezeichnung von Leibeigenschaft in Mittel- und Westeuropa vor dem 14. Jahrhundert*, in *Sozialer Wandel im Mittelalter. Wahrnehmungsformen, Erklärungsmuster, Regelungsmechanismen*, J. MIETHKE, K. SCHREINER eds., Sigmaringen 1994, S. 301-334, 309-314, 328-330.

[26] *Liv-, Esth- und Curländisches Urkundenbuch nebst Regesten*, I-XII, F. G. VON BUNGE *et al.* eds., Reval *et al.* 1853-1910, 1 no. 285.

[27] M. MÄGI, *At the Crossroads of Space and Time. Graves, Changing Society and Ideology on Saaremaa (Ösel), 9th-13th Centuries AD*, Tartu 2001 (CCC Papers 6), p. 36 cf. 145; E. TARVEL, *Piiskopi- ja orduaeg 1227-1572*, in *Saaremaa, 2, Ajalugu, majandus, kultuur*, K. JÄNES-KAPP *et al.* eds., Tallinn 2007, p. 77-142, 125. Cf. H. LIGI, Talupoegade koormised Eestis 13. sajandist 19. sajandi alguseni, Tallinn 1968, pp. 28-31.

[28] Cf. E. NAZAROVA, *"Ливонские правды" как исторический источник*, in *Древнейшие государства на территории СССР. Материалы и исследования* 1979, Moskva 1980, pp. 5-218, 123-126.

[29] *Chartularium Lithuaniae*, no. 24 p. 74, no. 25 p. 82, no. 51 p. 168.

[30] *Liv-, Esth- und Curländisches Urkundenbuch*, cit, 1 no. 343. Cf. *Die Chronik Wigands von Marburg. Originalfragmente, lateinische Übersetzung und sonstige Ueberreste*, ed. TH. HIRSCH, in *Scriptores rerum prussicarum*, II, TH. HIRSCH, M. TÖPPEN, E. STREHLKE eds., Leipzig 1863, pp. 429-662, 501.

[31] *Die Chronik Wigands von Marburg*, cit., p. 580; HERMANNI DE WARTBERGE, *Chronicon Livoniae*, ed. E. STREHLKE, in *Scriptores rerum prussicarum*, cit., II, pp. 9-116, 150 §8.

[32] A.V. MURRAY, *Captivity*, in *The Crusades. An Encyclopedia*, ed. A.V. MURRAY, I, Santa Barbara 2006, pp. 205-206.

[33] A.L. BYSTED, C.S. JENSEN, K.V. JENSEN, J.H. LIND, *Jerusalem in the North. Denmark and the Baltic Crusades, 1100-1522*, Turnhout 2012 (Outremer. Studies in the Crusades and the Latin East 1).

Order against the Grand Duchy of Lithuania, which lasted up to the beginning of the 15th century, when Lithuania finally became Catholic.[34] Sporadic armed conflicts between Livonian and Russian territories complemented the picture. Most of the said military activities consisted in the looting of one's enemy's territory.[35]

The Chronicle of Henry of Livonia (1220s) frequently mentions the abduction of captives, especially females and children, in military raids.[36] In 1215 the Latgalians plundered Southern Estonia, killed all of the men and captured their women, children, horses and cattle.[37] In 1219 Latgalians plundered in Russia and Central Estonia and "captured their horses and cattle and women".[38] After the Estonian raid into Ingermanland in 1221/1222, "Estonia and Livonia were full of Russian captives".[39] Christians mainly occupy the role of takers of captives in the Chronicle, while the heathens and their allies remain in a secondary position in this context. This eventually indicates not only the alleged mildness of the Christians, who did not kill those they defeated,[40] but also reflects the real situation at the beginning of the 13th century, when Christian areas and their populations were still quite limited.

The Livonian Rhymed Chronicle (1290s) describes, among other similar[41] episodes, how after the raid in Curonia and upon their arrival in Riga (1264), the Christian army "divided equally between them the highly prized men, women, children, cattle, and horses" they had "tied up and captured" and taken with them.[42] The Chronicle mentions directly that "females and children, horses and cattle, maids and servants" were profitable, eagerly anticipated loot to be divided between warriors and as such were a motivation for war.[43] The capturing of people, horses and cattle is also a typical element of the description of military activities in 14th-century Teutonic Order historical texts such as the Chronicles by Hermann von Wartberge (1370s) and Wigand von Marburg (1390s).

Consequently, the captives were an important economic resource. They are regularly listed among the booty, both during the Livonian crusades in the 13th century or in the context of Lithuanian raids in Prussia and Livonia in the 14th century.[44] For all participants in military action in the region, people were "the most important and valuable 'booty' [obtained] from military ventures".[45]

The situation of the captives did, however, vary; captivity did not unconditionally imply (permanent) slavery. Hostages were a special case, as they were a common tool for the

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[34] Z. KIAUPA, J. KIAUPIENE, A. KUNCEVIČIUS, *The History of Lithuania before 1795*, Vilnius 2000, pp. 145-153.

[35] F. BENNINGHOVEN, *Zur Technik spätmittelalterlicher Feldzüge im Ostbaltikum*, in "Zeitschrift für Ostforschung", 19, 1970, pp. 631-651.

[36] S. GHOSH, Conquest, Conversion, and Heathen Customs in Henry of Livonia's *Chronicon Livoniae* and the *Livländische Reimchronik*, in "Crusades", 11, 2012, pp. 87-108, 94-96.

[37] *Heinrichs Livländische Chronik*, cap. XIX.3.

[38] *Ibid.*, cap. XXIII.5, 6.

[39] *Ibid.*, cap. XXV.6.

[40] A.V. MURRAY, *Women on the Edge: Glimpses of Female Experience on the North-Eastern Frontier of Medieval Christendom, 1190-1390*, in *Postcards from the Edge. European Peripheries in the Middle Ages*, L. MYLOD, ZS.R. PAPP eds., Leeds 2011 (Bulletin of International Medieval Research 15/16), pp. 62-76, 69.

[41] E.g. *Livländische Reimchronik mit Anmerkungen, Namensverzeichnis und Glossar*, ed. L. MEYER, Paderborn 1876, lines 678-679, 4257-4259.

[42] *Livländische Reimchronik*, lines 7290-7293, 7381-7383.

[43] *Ibid.*, lines 4715-4719.

[44] A.V. MURRAY, *Women on the Edge*, cit., pp. 69-70.

[45] S. EKDAHL, *The Treatment of Prisoners of War during the Fighting between the Teutonic Order and Lithuania*, in *The Military Orders. Fighting for the Faith and Caring for the Sick*, ed. M. BARBER, Aldershot 1994, pp. 263-269, 265. Cf. J. KORPELA, *"...and they took countless captives along"*, cit.

securing of treaties and peace agreements in the Baltic region in the 13th century.[46] Higher social status was a prerequisite for being a hostage.[47] It would be incorrect to equate them with slaves, even when boys taken hostage were trained and educated at the discretion of their new lords.[48]

Many captives were ransomed.[49] The Treaty of Christburg (1249) between the Teutonic Order and the Prussians obliged the Teutonic Knights to release the Prussians who had been captured as participants in the Teutonic raids.[50] The Chronicle of Hermann von Wartberge, for instance, suggests that such negotiations took place between Lithuania and the Teutonic Order in the 14th century.[51] The statutes of St. Canute's Guild in Tallinn (1300s) command Guild members to pay ransoms for the return of their Guild brothers captured by heathens.[52] The Russian chronicles likewise note the capture and chaining of persons of noble birth during the Russian raids in Livonia in the 13th century,[53] clearly for the purpose of holding them for ransom.

Nevertheless, not all captives were ransomed or exchanged. In the vast majority of cases they were most likely used as unfree workers.[54] The manorial economy in Medieval Livonia had already emerged by the very beginning of the 13th century; the Church of Ikšķile (Riga) already had fields on the lower Daugava in around 1190.[55] At the same time, the volume of the corvée services peasants had to provide was limited to a few days of the year, or to particular days during the field work season in the 13th century,[56] and was not comparable to the high levels (5 days per week or more) of the corvée in the early modern period.[57] However, these early manors already needed permanent workers, e.g. in order to care for cattle and horses. The first manors, established by the ecclesiastic institutions, military orders, and private nobles, were not large estates, and the main source of the lords' income consisted of natural and monetary taxes.[58] The early manors most likely used the forced labour of a relatively small number of thralls, seasonally complemented by corvée workers.

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[46] E. BLUMFELDT, *Über die Geiselschaft während der Kämpfe in Alt-Livland im 13. Jahrhundert*, in "Eesti Teadusliku Seltsi Rootsis Aastaraamat", 9, 1985, pp. 17-28.

[47] E.A. MEL'NIKOVA, *Заложники и клятвы: процедура заключения договоров с норманнами*, in *Именослов. История языка. История культуры*, ed. F.B. USPENSKIJ, Moskva 2012 (Труды Центра славяно-германских исследований 2), pp. 114-183, 168-171.

[48] Cf. A.J. KOSTO, *Hostages in the Middle Ages*, Oxford 2012, pp. 71-76.

[49] *Heinrichs Livländische Chronik*, cap. XXVI.9.

[50] *Preußisches Urkundenbuch*, vol. 1/1, ed. R. PHILIPPI, Königsberg 1882, no. 218 p. 161.

[51] "tractavit ... pro redemptione captivorum", 1369: HERMANNI DE WARTBERGE, *Chronicon*, cit., p. 95. Cf. Y. FRIEDMAN, *Encounter between Enemies. Captivity and Ransom in the Latin Kingdom of Jerusalem*, Leiden 2002 (Cultures, beliefs and traditions 10).

[52] *Tallinna Linnaarhiivi kataloog IV: Kanuti gildi arhiiv*, ed. A. MARGUS, Tallinn 1938, p. lxxiii §14. The original Danish St. Canute Guilds could be brotherhoods connected to crusading, see K.V. JENSEN, *Korstog ved verdens yderste rand. Danmark og Portugal ca. 1000 til ca. 1250*, Odense 2011 (University of Southern Denmark Studies in History and Social Sciences 418), pp. 371-376.

[53] *Новгородская первая летопись старшего и младшего изводов*, ed. A.N. NASONOV, Moskva 1950, pp. 72, 78.

[54] S. EKDAHL, *The Treatment of Prisoners of War*, p. 266; A.V. MURRAY, *Women on the Edge*, cit., p. 70.

[55] *Eesti talurahva ajalugu*, J. KAHK, E. TARVEL eds., Tallinn 1992, pp. 212-214. I. ŠTERNS, *Latvijas vēsture 1290-1500*, Rīga 1997, pp. 479-483.

[56] E. TARVEL, *Nädalategu*, in "Tuna. Ajalookultuuri ajakiri", 2010, 2, pp. 25-29, 27-29.

[57] *Eesti talurahva ajalugu*, cit., pp. 228-229, 447-451.

[58] E. TARVEL, *Die Entstehung der grundherrschaftlichen und gutsherrschaftlichen Agrarstrukturen in Estland im 13. und 14. Jahrhundert*, in *Der Ostseeraum und Kontinentaleuropa 1100-1600. Einflußnahme – Rezeption – Wandel*, D. KATTINGER, J. E. OLESEN, H. WERNICKE eds., Schwerin 2004 (Culture Clash or Compromise 8), pp. 119-122, 121.

The only exception demanding massive manpower was the construction of castles.[59] Likewise, in around 1400 Livonian thralls were employed in households.[60] Austrian poet Peter Suchenwirt, a participant in the Lithuanian expedition of Duke Albrecht III of Austria in 1377, praised the crusaders' rich loot: "numerous [heathens] were killed / women and children were captured / it was a good courtfolk (*es was ein gemleich hofgesint*)".[61] In addition, the townspeople bought thralls, as in the 1370s, for instance, when a citizen of Tallinn purchased a woman of heathen descent in Narva.[62] A service of male thralls was used to carry goods.[63] Similar household and workers' duties were performed by slaves in the manors of Lithuanian nobles.[64] Hence the proportion of thralls in the population could not have been particularly high.[65] There is, however, no reliable source for more detailed estimates.

Some researchers have assumed that the distinctive activity of the captive-taking raids of the Teutonic Order into Lithuania in the second half of the 14th century was caused by the scarcity of manpower in Livonia and Prussia that arose due to epidemics and declining immigration from Western Europe.[66] Nevertheless, the impact of the crisis should not be overestimated, as the demographic and economic setback did not occur simultaneously everywhere. A decline began in Prussian cities from the 1380s onwards, while at the same time the city of Gdańsk was experiencing demographic growth.[67] The population of Livonia had already begun to decline in the second half of the 14th century,[68] but the reduction in the rural population was probably most acute in the 1420s and 1430s,[69] when the regular raiding of Lithuania was already in the past. The captives and slaves were an important "product" of the raids, but that does not necessarily mean that capturing slaves was the main goal of the frontier wars:[70] the slaves were not essential to the functioning of the Livonian economy.

The Chronicle of Hermann von Wartberge regularly registers in its last, contemporary part (1360s-1370s) the number of captives taken on raids in Lithuania and Russia, and

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[59] S. VAHTRE, *Põllumajandus ja agraarsuhted Eestis XIII-XIV sajandil*, Tartu 1966, pp. 74-75; G. VERCAMER, *Siedlungs-, Sozial- und Verwaltungsgeschichte der Komturei Königsberg in Preußen (13.-16. Jahrhundert)*, Marburg 2010 (Einzelschriften der Historischen Kommission für ost- und westpreussische Landesforschung 29), p. 346.

[60] *Livländische Güterurkunden (aus den Jahren 1207 bis 1500)*, H. VON BRUININGK, N. BUSCH eds., Riga 1908, nos. 119, 197, 210.

[61] *Aus Peter Suchenwirt, Heinrich dem Teichner und anderen deutschen Dichtern*, in *Scriptores rerum prussicarum*, II, pp. 155-178, 166 lines 330-332.

[62] *Liv-, Esth- und Curländisches Urkundenbuch*, III, no. 1111.

[63] *Liv-, Esth- und Curländisches Urkundenbuch*, IX, no. 80 §2.

[64] S.C. ROWELL, *Lithuania Ascending. A Pagan Empire within East-Central Europe, 1295-1345*, Cambridge 1997 (Cambridge Studies in Medieval Life and Thought 4th series 25), pp. 73-76, 202-203.

[65] Cf. A. VON TRANSEHE-ROSENECK, *Die Entstehung der Schollenpflichtigkeit in Livland*, in "Mitteilungen aus der livländischen Geschichte", 23, 1924-1926, pp. 485-574, 500.

[66] S. EKDAHL, *The Treatment of Prisoners of War*, cit., p. 266; A. NIKŽENTAITIS, *Prisoners of War in Lithuania and the Teutonic Order State*, in *Der Deutsche Orden in der Zeit der Kalmarer Union 1397-1521*, ed. Z.H. NOWAK, Toruń 1999 (Ordines militares 10), pp. 193-208, 196-197.

[67] R. CZAJA, *Der preußische Handel um die Wende zum 15. Jahrhundert. Zwischen Krise und Expansion*, in *Städtische Wirtschaft im Mittelalter. Festschrift für Franz Irsigler zum 70. Geburtstag*, R. HOLBACH, M. PAULY eds., Köln 2011, pp. 93-108.

[68] K. KAPLINSKI, *Über die Einwohnerzahl und die Sozialstruktur Tallinns von 1369 bis 1399*, in "Jahrbuch für Geschichte des Feudalismus", 3, 1979, pp. 111-139, 117-125.

[69] I. LEIMUS, *Die spätmittelalterliche große Wirtschaftskrise in Europa – war auch Livland davon betroffen?*, in "Forschungen zur baltischen Geschichte", 1, 2006, pp. 56-67.

[70] Cf. R. BARTLETT, *The Making of Europe. Conquest, Colonization and Cultural Change 950-1350*, London 1994, p. 305.

sometimes also the approximate number of looted horses and cattle.[71] In writing this part of his Chronicle, the author used the internal records of the Teutonic Order in Livonia,[72] and thereafter the apparently more or less accurate numbers also indicate the economic importance of the captives, as they were numerated and listed. A calculation made on the basis of the relevant chronicles states that between 1368 and 1378 ca. 830 Lithuanian and Russian captives were taken there every year by the Teutonic Order and its allies.[73] At first glance these numbers of captives are impressive. One must, however, consider that these figures are the sum of captives in Prussia and Livonia combined, and some of them were exchanged or ransomed. The important question posed by Charles Verlinden, namely whether the slave trade had a "retail" or "wholesale" character,[74] is to be answered in the Livonian context, that regardless of the greater total number of slaves in the hands of the Teutonic Order and its soldiers, the captives were shared between the combatants, and hence every "slaveowner" gained only a few of them. Additionally, the subregions of Livonia and Prussia were not equally connected with the raiding activities.

Even though the sources sometimes report on dozens of prisoners held in the fortresses,[75] who were eventually forced to work, the latter were not implicitly "slaves".[76] The ransom and exchange of captives could sometimes be a better business, especially in the case of nobles; war and diplomacy took place simultaneously, even in the Teutonic crusades against Lithuania.[77] The possibility of ransom or exchange was already observed in the placement of the captured people,[78] and their location was sometimes personally recorded.[79] During the negotiations between the Teutonic Order and the Grand Duke of Lithuania Vytautas in 1411, the order generally accepted the Lithuanian demand for the release of those captured in the 1394 war[80], although the order in Livonia had already sold the people, and it would be very complicated and expensive to find them and redeem them.[81] The captives of the 1431-1435 war with the Teutonic Order only regained their freedom in 1443.[82] There is no information on whether or not they were forced to work

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[71] HERMANNI DE WARTBERGE, *Chronicon*, cit., p. 88: 18 noblemen and 800 captives (1367); p. 93: ca. 100 captives (1368); p. 50: 301 captives (1369); p. 95: 309 warriors (1369); p. 300: 200 captives (1370); p. 96: ca. 220 captives (1370); p. 97: 106 men, 61 horses, 540 cattle (1370); p. 104: 9 captives (1374); p. 107: 6 captives (1375); p. 110: 40 captives (1375); p. 111: 13 captives (1376).

[72] A. SELART, *Die livländische Chronik des Hermann von Wartberge*, in *Geschichtsschreibung im mittelalterlichen Livland*, ed. M. THUMSER, Berlin 2011 (Schriften der Baltischen Historischen Kommission 18), pp. 59-85.

[73] W. PARAVICINI, *Die Preussenreisen des europäischen Adels*, II, Sigmaringen 1995 (Beihefte der Francia 17/2), p. 100.

[74] CH. VERLINDEN, *Ist mittelalterliche Sklaverei ein bedeutsamer demographischer Faktor gewesen?*, cit., pp. 153-154.

[75] *Liv-, Esth- und Curländisches Urkundenbuch*, cit., VIII, no. 997.

[76] S. EKDAHL, *The Treatment of Prisoners of War*, cit., pp. 266-267.

[77] A. NIKŽENTAITIS, *Prisoners of War*, cit., pp. 194-195; W. PARAVICINI, *Litauer. vom heidnischen Gegner zum adligen Standesgenossen*, in *Tannenberg – Grunwald – Žalgiris 1410: Krieg und Frieden im späten Mittelalter*, W. PARAVICINI, R. PETRAUSKAS, G. VERCAMER eds., Wiesbaden 2012 (Deutsches Historisches Institut Warschau. Quellen und Studien 26), pp. 253-282, 259. Cf. M. KINTZINGER, *Geisel und Gefangene im Mittelalter. Zur Entwicklung eines politischen Instruments*, in *Ausweisung und Deportation. Formen der Zwangsmigration in der Geschichte*, A. GESTRICH, G. HIRSCHFELD, H. SONNABEND eds., Stuttgart 1995 (Stuttgarter Beiträge zur historischen Migrationsforschung 2), pp. 41-59.

[78] *Chartularium Lithuaniae*, no. 60; *Preußisches Urkundenbuch*, II, M. HEIN, E. MASCHKE eds., Königsberg 1939, no. 536.

[79] HERMANNI DE WARTBERGE, *Chronicon*, cit., p. 45; *Lites ac res gestae inter polonos ordinemque cruciferorum*, I-II, Posnaniae 1892. pp. 156-164.

[80] *Die Chronik Wigands von Marburg*, cit., pp. 652-653.

[81] *Liv-, Esth- und Curländisches Urkundenbuch*, cit., IV, no. 1872.

[82] *Ibid.*, IX, nos. 925, 926.

during this period. The sources do, however, relate that an important feature of their situation was that they were made to wear "irons" (chains).[83]

It was a common phenomenon that women and children were the "preferred form of human cattle".[84] Consequently, it cannot be entirely correct that the capturing of women in the Baltic crusades had the special local intention of preventing levirate marriages and thus extinguishing the lineages of native leaders.[85] The "sexual" explanation of the issue, that the main reason for taking female captives during the Baltic crusades was to rape them, to take them as concubines and eventually also to marry them,[86] cannot be correct either. A list of Lithuanian captives presented in 1412 by diplomats of the Grand Duchy to the representatives of the Teutonic Order registered the members of families who remained together in their captivity.[87] This register was compiled after the Christianisation of Lithuania, however, and the prisoners were Christian. The preferring of women and children as captives was firstly due to the limited possibilities to control prisoners. The men had to be chained or fastened.[88] At the same time, male captives were of greater value. In economic terms, the possibilities for using female labour in agriculture were limited, and boys had to be raised before they could generate profit.

The non-free status of a person legally originated from the fact of captivity. The Prussian Chronicle of Petrus von Dusburg (1320s) describes a conflict within a Christian army in Livonia in 1260. Lithuanians had abducted the "females and children" of baptized Curonians. During the revenge raid, the Curonians requested that their recaptured fellows should be returned. However, some of the Christians demanded distribution of all of the loot, including the Curonian women and children, *secundum consuetudinem in bello*.[89] Hence the changed legal status of captives could be accepted as permanent, and captivity was accepted as a legal reason for taking away a person's freedom,[90] even in the captives' "home country". This principle was also acknowledged in the 13th-century versions of the Riga town charter: a person who escaped from the land of heathens and reached the town became free, except for a slave or a captive (*proprius aut captivus*) who was legally reclaimed. Wartime fugitives became unconditionally free.[91] The peace treaty between Livonia and Lithuanian Grand Duke Gediminas in 1323 similarly established the rule that escaped thralls should be extradited.[92]

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[83] E.g. *Ibid.*, IX, no. 127.

[84] J. GILLINGHAM, *Christian Warriors and the Enslavement of Fellow Christians*, in *Chevalerie et christianisme aux XIIe et XIIIe siècles*, M. AURELL, C. GIRBEA eds., Rennes 2011, pp. 237-256, 237.

[85] J.A. BRUNDAGE, *Christian Marriage in Thirteenth-century Livonia*, in "Journal of Baltic Studies", 4, 1973, pp. 313-320, 318. Reprinted in IDEM, *The Crusades, Holy War and Canon Law*, Aldershot 1991 (Collected Studies Series CS338); T. K. NIELSEN, *The Making of New Cultural Landscapes in the Medieval Baltic*, in *Medieval Christianity in the North*, K. SALONEN, K. V. JENSEN, T. JØRGENSEN eds., Turnhout 2013 (Acta Scandinavica 1), pp. 121-153, 146-147.

[86] I. ŠTERNS, *Female Captives in Henry's "Livonian Chronicle"*, in *Civitas et castrum ad Mare Balticum. Baltijas arheoloģijas un vēstures problēmas dzelzs laikmetā un viduslaikos*, Ē. MUGURĒVIČS, I. OSE eds., Rīga 2002, pp. 610-615, 612-613.

[87] *Lites ac res gestae*, cit., II, pp. 156-164.

[88] *Livländische Reimchronik*, cit., line 7298; *Die Chronik Wigands von Marburg*, cit., pp. 520, 540, 657. Archaeological findings from Estonian strongholds around 1200 possibly include parts of chains (information by Ain Mäesalu).

[89] PIOTR Z DUSBURGA, *Kronika ziemi Pruskiej*, J. WENTA, S. WYSZOMIRSKI eds., Kraków 2007 (Pomniki dziejowe Polksi seria 2, 13), §84 p. 110.

[90] E. HAMANN, *Die Begründung des Sklavenstatus bei den Postglossatoren. Die Frage nach der Rezeption römischen Sklavenrechts*, Hamburg 2011 (Rechtsgeschichtliche Studien 48), p. 225.

[91] *Die Quellen des rigischen Stadtrechts*, cit., p. 7 §21, p. 35 §47, p. 46 §45.

[92] *Chartularium Lithuaniae*, cit., no. 24 p. 74, no. 25 p. 82, no. 51 p. 168 cf. no. 69 p. 260.

A remarkable number of the captives were sold both locally and abroad. This practice was accepted in both Christian[93] and heathen[94] societies. Remarkably, not only German colonists or native Prussians purchased Lithuanian captives taken in Lithuania by the Teutonic Order and its allies, but they were also purchased by Russians, Lithuanians and Samogitians.[95] In the latter case it is indeed impossible to draw a clear distinction between ransoming and the slave trade. The estimated price for an adult of either sex was 2-4 Prussian marks in the context of the Lithuanian-Prussian wars at the end of the 14th century.[96]

Participants of the *Preussenreisen* (14th-century regular crusading raids on the Lithuanian frontier) eventually brought captured or purchased Lithuanians with them to Western Europe, where they became court servants, and sometimes also monks or priests.[97] Such service was not slavery, indeed, although a result of forced replacement and an unfree "career". A similar case was recounted by Livonian chronicler Henry: at the end of the 12th century Bishop Meinhard of Livonia "released" *a captivitate* an Estonian boy once captured by heathens in Vironia, and send him to the Segeberg monastery in Germany to be educated as a priest.[98] Both the Teutonic Order in Livonia and in Prussia and its Lithuanian adversary settled captives in villages, i.e. they factually became unfree peasants.[99] This practice continued in the 15th century. The Teutonic Order located the captives taken in Ingermanland during the 1443-1448 war against Novgorod near Bauska in Latvia, and similar colonising activity probably also took place elsewhere.[100] Such settled captives most likely soon became fused in a legal sense with serfs of local origin.

The archaeological research proves the immigration of people from the Pljusa basin in the lands of Novgorod and Pskov into Tartu diocese in around 1300. The immigrants formed compact settlements that preserved their specific cultural character until at least the mid-15th-century. In addition to "peaceful" colonization,[101] in some cases the settling of captives could be an eventual alternative explanation of the phenomenon, connected with military activities, e.g. in 1268, 1299 or 1322-23.

Another reason for taking away a person's freedom was slavery as a replacement for capital or mutilation punishment.[102] This means of enslavement could not have been a substantial source of thralls, however. There were also a number of debt slaves. The *Schuldknechtschaft* is actually an anachronistic legal term formed on the basis of Roman Law, and in medieval reality this status pertained instead to personal security, and "slavery" was potentially limited in time.[103] The lord certainly did not have unlimited rights over a debt slave. According to the Saxon legal tradition, which was accepted in the medieval Baltic

[93] HELMOLD, *Slawenchronik*, cit., p. 376 cap. 109.

[94] E.g. *Heinrichs Livländische Chronik*, cit., cap. XXX.1.

[95] S. EKDAHL, *The Treatment of Prisoners of War*, cit., p. 267; A. NIKŽENTAITIS, *Prisoners of War*, cit., p. 201.

[96] W. PARAVICINI, *Die Preussenreisen*, cit., pp. 103-104.

[97] *Ibid.*, pp. 104-110.

[98] *Heinrichs Livländische Chronik*, cit., cap. X.7.

[99] A. NIKŽENTAITIS, *Prisoners of War*, cit., pp. 195, 202.

[100] H. LAAKMANN, *Vadjalaste asustusest Liivimaal*, in "Ajalooline Ajakiri", 8, 1929, pp. 110-113; E. WINKLER, *Krewinisch. Zur Erschließung einer ausgestorbenen ostseefinnischen Sprachform*, Wiesbaden 1997 (Veröffentlichungen der Societas Uralo-Altaica 49), pp. 15-19.

[101] H. VALK, *Vadjapärased kalmistud Tartumaal (13.-15. sajand)*, in *Vadjapärased kalmed Eestis 9.-16. sajandil*, ed. V. LANG, Tallinn 1993 (Muinasaja Teadus 2), pp. 176-214, 195-200; A. SELART, H. VALK, I. PÕLTSAM-JÜRJO, I. LEIMUS, *Rahvastik*, in *Eesti ajalugu II: Eesti keskaeg*, ed. A. SELART, Tartu 2012, pp. 168-184, 177-178.

[102] *Liv-, Esth- und Curländisches Urkundenbuch*, cit., VII, nos. 206, 230. Cf. E. NAZAROVA, *"Ливонские правды"*, cit., pp. 115-116, cap. 3 pp. 200-201.

[103] S. BREßLER, *Schuldknechtschaft und Schuldturm. Zur Personalexekution im sächsischen Recht des 13.-16. Jahrhunderts*, Berlin 2004 (Freiburger Rechtsgeschichtliche Abhandlungen Neue Folge 42); D. STRAUCH, *Grundzüge*, cit., p. 231.

region, a master could chain him, but he also had the obligation to take care of the "slave"; torture was prohibited.[104]

Although more security than slave under Saxon law, persons who had been pledged into debt bondage were identified in the Livonian sources using the same expressions as for captives and other unfree individuals: *egen*,[105] *proprius*[106] and *drell*.[107] The word for convicts used in the letter by the Grand Duke of Lithuania Gediminas in 1325 is *famuli obnoxii*.[108] In several texts unfree peasants, convicts and thralls occur in one list.[109] The statutes of St. Canute's Guild in Tallinn (ca. 1300) equate thieves, thralls, sons of thralls and persons "who had done dishonest things" as unworthy of membership.[110] Debt slavery occurred not only in the urban milieu but also among the peasantry.[111]

The 12th and 13th-century agreements between Russian centres (Novgorod, Smolensk) and the towns of Livonia, Gotland, and Germany discussed debt slavery in a more archaic manner. They were based on Russian law, and considered women and children to be the property of the husband or father.[112] The Smolensk treaty of 1229 indicates that there was an option of enslaving family members for the debts of the male head of the household.[113] An agreement concluded with Novgorod a few decades later, namely in 1268/1269, limits the liability of a family and only records the optional enslavement of the wife in cases when she warranted the debt.[114] Actually, such cases could result in the "redemption" of the family by relatives. A verdict by the Prince of Smolensk in 1284, however, directly implemented this rule: the Russian defaulter was given to the German merchant *съ двором*ъ, "with domestics".[115]

The Baltic crusades were a source of captives. At the same time, the Christian idea of the equality of men before God challenged the existence of slavery in the Christian world,[116] but did not, however, reject it. 13th-century European jurisprudence sometimes argued against the personal dependency of humans.[117] The permanent enslavement of Christian captives by other Christians (excluding imprisonment for redemption) was no longer

[104] *Altlivlands Rechtsbücher zum Teil nach bisher unbenutzten Texten*, ed. F.G. VON BUNGE, Leipzig 1879, p. 217 ch. 33; *Lübecki õiguse Tallinna koodeks 1282. Der Revaler Kodex des lübischen Rechts 1282*, ed. T. KALA, Tallinn 1998, p. 144 §76. Cf. L. LEESMENT, *Über das Alter des Livländischen Rechtsspiegels*, in "Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Germanistische Abteilung", 50, 1930, pp. 171-179; F. EBEL, *Von der Elbe zur Düna – Sachsenrecht in Livland, einer Gemengelage europäischer Rechtsordnungen*, in *Rechts- und Sprachtransfer in Mittel- und Osteuropa. Sachsenspiegel und Magdeburger Recht*, E. EICHLER, H. LÜCK eds., Berlin 2008 (Ius saxonico-maideburgense in Oriente 1), pp. 37-43.

[105] *Lübecki õiguse Tallinna koodeks 1282*, cit., p. 144 §76, p. 170 §165.

[106] F.G. VON BUNGE, *Die Quellen des Revaler Stadtrechts*, I, Reval 1842, p. 26 §65; *Die Quellen des rigischen Stadtrechts* lk 37§53, lk 10 §34.

[107] *Livländische Güterurkunden*, cit., no. 169; *Liv-, Esth- und Curländisches Urkundenbuch*, cit., VII, no. 230.

[108] *Chartularium Lithuaniae*, cit., no. 60; S.C. ROWELL, *Lithuania Ascending*, cit. p. 73.

[109] *Liv-, Esth- und Curländisches Urkundenbuch*, cit., VII, no. 228; *Livländische Güterurkunden*, cit., no. 119.

[110] *Tallinna Linnaarhiivi kataloog*, cit., *IV*, p. lxxv §30.

[111] *Livländische Güterurkunden*, cit., no. 169.

[112] L.K. GOETZ, *Deutsch-russische Handelsverträge des Mittelalters*, Hamburg 1916 (Abhandlungen des Hamburgischen Kolonialinstituts 37; Reihe A. Rechts-und Staatswissenschaften 6), pp. 144-147, 246-248.

[113] *Ibid.*, pp. 246-247 §6 cf. p. 313 §15; *Smoļenskas-Rīgas aktis 13. gs.-14. gs. pirmā puse. Kompleksa "Moscowitica-Ruthenica" dokumenti par Smoļenskas un Rīgas attiecībām*, A. IVANOVS, A. KUZŅECOVS eds., Rīga 2009, pp. 517, 531 cf. pp. 564, 626.

[114] L.K. GOETZ, *Deutsch-russische Handelsverträge*, cit., p. 144 §18.

[115] *Smoļenskas-Rīgas aktis*, cit., no. 5 p. 625.

[116] A. ANGENENDT, *Geschichte der Religiosität im Mittelalter*, Darmstadt 2000, pp. 347-349.

[117] B. TÖPFER, *Naturrechtliche Freiheit und Leibeigenschaft. Das Hervortreten kritischer Einstellungen zur Leibeigenschaft im 13.-15. Jahrhundert*, in *Sozialer Wandel im Mittelalter. Wahrnehmungsformen, Erklärungsmuster, Regelungsmechanismen*, J. MIETHKE, K. SCHREINER eds., Sigmaringen 1994, pp. 335-351.

accepted in Western Europe in the 12th-13th centuries, especially in the context of the culture of chivalry,[118] although the medieval reception of Roman law accepted captivity as a foundation of slavery.[119]

The ecclesiastical legislation of the Livonian crusades advocated in favour of the local neophytes. The 13th-century Papal letters to Livonia and Prussia present the request that the neophytes must preserve their "freedom", and should not be molested, because that would make them opposed to Christianity. This call for an effective mission was sometimes linked to political polemics against the Teutonic Order, for instance at the beginning of the 14th century, which allegedly hindered the mission by oppressing the local people.[120] Emperor Frederick II expressed a similar position in his letter.[121] One cannot accept such anti-slavery decrees as an indication of the real and substantial enslavement of the local people in the 13th century, for they resulted from general missionary theory.[122] For instance, the Treaty of Christburg between the Teutonic Order and Prussians (1249) discusses the topics of freedom, servility and the saleability of humans in the relatively specific context of sin and the ban on bride-buying and levirate marriage.[123]

The letter sent by Pope Gregory IX to William of Modena, his legate in Livonia, in 1238, demanded that servile persons also be permitted to take part in worship.[124] The letter was simultaneous with the papal letters to the Holy Land, which supported the baptism of slaves. According to the traditions of Outremer, baptised slaves became manumitted, as a result of which lords began to impede it, and the Pope had to declare that the baptism of slaves should not result in manumission, and that the converted slaves were only entitled to visit churches and receive the sacraments.[125] In other parts of the medieval Mediterranean baptism also did not lead to the freeing of slaves.[126]

Similar conventions applied in Northern Europe. In 12th and 13th-century Denmark, bishops were themselves slave owners.[127] When in the 1320s, however, Frederick Pernstein, the Archbishop of Riga, accused the Teutonic Order that the Teutonic bailiff of Rēzekne had, for instance, arrested the Archbishop's "neophytes" (here: peasants) and sold them into slavery to *infidelibus et scismaticis* (in Lithuania and Russia),[128] the denunciation most probably reflects not only the political conflict between the Archbishop and the Order, but

[118] J. GILLINGHAM, *Christian Warriors*, cit., pp. 237-256.

[119] E. HAMANN, *Die Begründung des Sklavenstatus*, cit., pp. 224-225.

[120] *Liv-, Esth- und Curländisches Urkundenbuch*, cit., I, nos. 71, 157, 331, 577, 584; *Chartularium Lithuaniae*, cit., no. 57 pp. 200-210; V. NIITEMAA, *Die undeutsche Frage in der Politik der livländischen Städte im Mittelalter*, Helsinki 1949 (Suomalaisen tiedekatemian toimituksia, sarja B 64), pp. 33-35; H. BOOCKMANN, *Die Freiheit der Prußen im 13. Jahrhundert*, in *Die abendländische Freiheit vom 10. zum 14. Jahrhundert. Der Wirkungszusammenhang von Idee und Wirklichkeit im europäischen Vergleich*, ed. J. FRIED, Sigmaringen 1991 (Vorträge und Forschungen 39), pp. 287-306; E. TARVEL, *Die Entstehung*, cit., p. 119. Cf. *Liv-, Esth- und Curländisches Urkundenbuch*, cit., I, no. 600.

[121] *Ibid.*, I, no. 112.

[122] I. FONNESBERG-SCHMIDT, *The Popes and the Baltic Crusades, 1147-1254*, Leiden 2007 (The Northern World 26), pp. 177-179; I. FONNESBERG-SCHMIDT, *Pope Honorius III and Mission and Crusades in the Baltic Region*, in *The Clash of Cultures on the Medieval Baltic Frontier*, ed. A.V. MURRAY, Farnham 2009, pp. 103-122, 117. Cf. A. SELART, *Die Bettelmönche im Ostseeraum zur Zeit des Erzbischofs Albert Suerbeer von Riga (Mitte des 13. Jahrhunderts)*, in "Zeitschrift für Ostmitteleuropa-Forschung", 56, 2007, pp. 475-499, 497.

[123] *Preußisches Urkundenbuch*, cit, I/1, no. 218.

[124] *Liv-, Esth- und Curländisches Urkundenbuch*, cit., I, no. 158.

[125] B.Z. KEDAR, *Crusade and Mission. European Approaches towards the Muslims*, Princeton 1984, pp. 147-149, 213-214.

[126] R. ELZE, *Über die Sklaverei im christlichen Teil des Mittelmeerraums (12.-15. Jahrhundert)*, in *Vom Elend der Handarbeit. Probleme historischer Unterschichtenforschung*, H. MOMMSEN, W. SCHULZE eds., Stuttgart 1981 (Geschichte und Gesellschaft 24), pp. 131-135, 134.

[127] N. SKYUM-NIELSEN, *Nordic slavery*, cit., p. 141; K.V. JENSEN, *Korstog*, cit., pp. 262-264.

[128] *Chartularium Lithuaniae*, cit., no. 57 p. 206.

also the well-educated and erudite Franciscan archbishop's general view of the enslaving of Christians and their sale to non-Christians.[129]

Thralls disappear in the Livonian sources in the 15th century.[130] In 1424 the Livonian Diet (*Landtag*) limited the slavery of a Christian to 10 years, and the only cause of such slavery was mentioned as the replacement of capital punishment. Every Christian thrall was to be manumitted within at least 10 years. The verdict did not affect thralls who were legally purchased or taken in an infidel country.[131] At this time there were already no real "pagans" in the region, yet in the political rhetoric of the 15th century the topic of the dangerous infidel vicinity of Livonia remained important.[132] A number of thralls gained freedom through manumission as a charitable Christian deed. One surviving example is the last will of nobleman Otto von Üxküll, who manumitted the thralls of his manor in 1417.[133]

The last time thralls are referred to in medieval Livonian texts is the 1455 document of the bishop and cathedral chapter of Tartu on the extension of the privileges of the town of Tartu. The town's obligation to extradite to the bishop the thralls and "other prisoners" who had escaped into the town was enshrined therein.[134] Simultaneously, the serfdom of the majority of peasants developed by the first decades of the 15th century in Livonia.[135] At the beginning of the 1430s, the Master of the Livonian Order categorised thralls among debtors and *hakenburen*,[136] i.e. the main category of local servile peasants, in a letter to the city of Riga.

The few relevant sources that have survived do not actually discuss the legal status of Livonian thralls, and deal instead with the rights of their masters. We possess no information about their legal competency, the status of their children or their right to possess movables. Only 13th-century Riga town law mentions that a child of a free man and a slave is free, but the mother remains in slavery.[137] Livonian legal texts do not specify special penalty rates for slaves. The only exceptions are the 12th and 13th-century trade treaties with Russian centres, which are based on the Russian legal system. Here the fine for killing a slave was fixed at 1 grivna (Smolensk 1229) or at 2.5 grivna (Novgorod 1191/1192), with the latter case probably pertaining to more valuable domestic slaves.[138] The Smolensk Treaty of 1229 established a 1 grivna fee for the rape of a slave or dishonourable woman, and the slave must prove the crime with witnesses. The corresponding fine in the case of a free

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[129] K. FORSTREUTER, *Erzbischof Friedrich von Riga (1304-1341). Ein Beitrag zu seiner Charakteristik*, in "Zeitschrift für Ostforschung", 19, 1970, pp. 652-665; P. ZUTSHI, *Frederick, Archbishop of Riga (1304-1341) and his Books*, in *The Medieval Book. Glosses from Friends and Colleagues of Christopher de Hamel*, J.H. MARROW, R.A. LINENTHAL, W. NOEL eds., Houten 2010, pp. 327-335.

[130] P. JOHANSEN, *Siedlung und Agrarwesen der Esten im Mittelalter. Ein Beitrag zur estnischen Kulturgeschichte*, Dorpat 1925 (Õpetatud Eesti Seltsi toimetused 23), pp. 21-22; H. VON BRUININGK, *Livländische Güterurkunden, Band II. Zur Einführung*, in "Mitteilungen aus der livländischen Geschichte", 22, 1924-1928, pp. 1-46, 32; H. BOSSE, *Der livländische Bauer am Ausgang der Ordenszeit (bis 1561)*, in "Mitteilungen aus der livländischen Geschichte", 24, 1928-1933, pp. 282-511, 382-383; A. SCHWABE, *Grundriss der Agrargeschichte Lettlands*, Riga 1928, pp. 75-76; E. BLUMFELDT, *Keskaja agraarajalugu*, in *Eesti majandusajalugu I*, H. SEPP *et al.* eds., Tartu 1937, pp. 33-108, 52-53.

[131] *Liv-, Esth- und Curländisches Urkundenbuch*, cit., I, no. 206.

[132] A. SELART, *Political Rhetoric and the Edges of Christianity: Livonia and its Evil Enemies in the Fifteenth Century*, in *The Edges of the Medieval World*, G. JARITZ, J. KREEM eds., Budapest 2009 (CEU Medievalia 11; The Muhu Proceedings 1), pp. 55-69.

[133] *Livländische Güterurkunden*, cit., no. 197.

[134] *Liv-, Esth- und Curländisches Urkundenbuch*, cit., XI, no. 409 p. 343.

[135] *Eesti talurahva ajalugu*, cit., pp. 171-172.

[136] *Liv-, Esth- und Curländisches Urkundenbuch*, cit., VIII, 8 no. 655 §10 cf. vol. 7, no. 228.

[137] F.G. VON BUNGE, *Die Stadt Riga im dreizehnten und vierzehnten Jahrhundert. Geschichte, Verfassung und Rechtszustand*, Leipzig 1878, pp. 96-97.

[138] L.K. GOETZ, *Deutsch-russische Handelsverträge*, cit., p. 147 §19, p. 149, p. 236 §1.

woman was 5 grivnas.[139] The Novgorod treaty of 1191/1192 mentions a 1 grivna fine in the case of the attempted rape of a slave; a raped slave should be freed, probably at the expense of the delinquent.[140] A defining feature of slavery as regulated in the Livonian legal texts was saleability;[141] in the case of debt slaves, the wearing of chains was a feature that defined the nature of slavery.[142]

It appears that slaves in medieval North-Eastern Europe were in most cases aliens. Integration into the local society resulted in incorporation into the lowest native social strata.[143] From the 14th and 15th centuries onwards, the majority of Livonian peasants became serfs. Enslavement placed a person at the bottommost level of the social hierarchy,[144] but did not determine his or her occupation and living standard, which had a great variability. The disappearance of the term 'thrall' coincided chronologically with the end of the regular taking of captives in Lithuania, a period of demographic decline, the desertion of farmsteads and the establishment of serfdom in Livonia. "Slavery without a certain degree of foreign import will, among other things, tend to develop toward a kind of Western European 'semi-freedom'."[145] Medieval Livonia bordered an "active slaving zone" in the 13th and 14th centuries, in around 1400 the hitherto existing "external supply mechanism"[146] began to change. The situation of captive women and the fate of children depended on the status of their partners or husbands. The slave as a legally completely incapacitated object remained a theoretical notion here,[147] and in any case the knowledge of Roman law, which treats slaves in this way, was limited to learned and ecclesiastical circles in Livonia.[148]

The "Black Legend" of European humanist writers propagated in around 1500 emphasised the slavery-like and miserable status of the Livonian peasants.[149] Medieval and early modern actual development led towards the legal homogenisation of the peasantry and other lower social classes. The disappearance of thralls was part of this development. The end of regular raiding in Lithuania coincided with demographic decline in Livonia. The settling of thralls on farms became necessary or profitable and resulted in their incorporation into the unfree peasantry, which simultaneously became the main source of manpower for the manorial economy. The thralls were already an anachronistic phenomenon in Northern Europe at that time, and most likely survived in Livonia due to the country's distinct crusading history.

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[139] *Ibid.*, p. 257 §12, p. 318 §23.

[140] *Ibid.*, pp. 60-61 §14.

[141] *Die Quellen des rigischen Stadtrechts*, p. 36 §48.

[142] F.G. VON BUNGE, *Die Stadt Riga*, cit., p. 358.

[143] Cf. R. ELZE, *Über die Sklaverei*, cit., pp. 133-134.

[144] D.R. WYATT, *Slaves and Warriors*, cit., pp. 37-39.

[145] T. IVERSEN, *The Dissolution of Medieval Slavery in Norway in a Western European Context*, in *Slavery across Time and Space. Studies in Slavery in Medieval Europe and Africa*, P. HERNÆS, T. IVERSEN eds., Trondheim 2002 (Trondheim Studies in History 38), pp. 129-145, 135.

[146] J. FYNN-PAUL, *Empire, Monotheism and Slavery in the Greater Mediterranean Region from Antiquity to the Early Modern Era*, in "Past & Present", 205, 2009, pp. 3-40, 27, 31.

[147] Cf. J.C. MILLER, *The Historical Contexts of Slavery in Europe*, in *Slavery across Time and Space*, pp. 1-57, 6.

[148] D. STEINKE, *Die Zivilrechtsordungen des Baltikums unter dem Einfluss ausländischer, insbesondere deutscher Rechtsquellen*, Göttingen 2009 (Osnabrücker Schriften zur Rechtsgeschichte 16), pp. 56-58.

[149] P. JOHANSEN, *Nationale Vorurteile und Minderwertigkeitsgefühle als sozialer Faktor im mittelalterlichen Livland*, in *Alteuropa und die moderne Gesellschaft. Festschrift für Otto Brunner*, A. BERGENGRUEN, L. DEIKE eds., Göttingen 1963, pp. 88-115, 105-111; J. KREEM, *Sebastian Münster and "Livonia illustrata". Information, Sources and Editing*, in *Festschrift für Vello Helk zum 75. Geburtstag. Beiträge zur Verwaltungs-, Kirchen- und Bildungsgeschichte des Ostseeraumes*, E. KÜNG, H. TAMMAN eds., Tartu 1998, pp. 149-168, 163-165.

Juliane Schiel

Die Sklaven und die Pest.
Überprüfung eines Forschungsnarrativs am Beispiel Venedigs

Die Haussklaverei gilt in der europäischen Historiographie gemeinhin als ein Phänomen des spätmittelalterlichen Mediterraneums. Nachdem der Sklavenbesitz um die Jahrtausendwende fast vollständig aus Europa verschwunden sei, habe es nach dem Zeitalter der Kreuzzüge südlich der Alpen einen bemerkenswerten Wiederaufschwung dieser Praktik gegeben. Anders als in Spätantike und Frühmittelalter sei diese Form der Sklaverei jedoch weniger auf dem Land, als vielmehr in den Städten anzutreffen gewesen. Wohlhabende Bürgerinnen und Bürger der aufstrebenden Städte Italiens und der iberischen Halbinsel hielten aus der Fremde importierte Menschen als Hausbedienstete, Kammerdiener und Ammen in ihren Haushalten. Die meisten Menschen dieses neuen Typs Sklaven waren Frauen und stammten aus dem Gebiet der Kipchak, dem Südkaukasus, der russsichen Steppe oder aus den Bergregionen der Balkanhalbinsel, und ab der zweiten Hälfte des 15. Jahrhunderts zunehmend auch aus subsaharisch Afrika.

Für dieses Phänomen werden in der Literatur eine Reihe von Gründen angegeben.[1] Bei weitem am häufigsten als Ursache ins Feld geführt wird jedoch die Pest. Die größte Pandemie des Mittelalters, die in den Jahren 1348/49 innerhalb weniger Monate 30–50% der europäischen Bevölkerung dahingerafft haben soll, habe für einen massiven Arbeitskräftemangel gesorgt, der die Lohnkosten explodieren und den Import gekaufter Menschen aus Übersee attraktiv werden ließ. Dabei wird dieser Zusammenhang in der Sklavereiforschung ebenso wie in der Wirtschaftsgeschichte unter Verweis auf die zeitliche Korrelation zwischen demographischer Krise, steigenden Löhnen und der zunehmenden Bedeutung importierter Sklavenarbeit gemeinhin behauptet, nie aber aus der Überlieferung hergeleitet.[2] Umgekehrt findet sich in der Literatur zur Pest zwar häufig der Hinweis, dass

[1] So wird beispielsweise gern auf das Zeitalter der Kreuzzüge verwiesen, in welchem sich die Kontakte zwischen Europa und der Levante intensivierten und die Sklaven als wichtige Handelsware der muslimischen Welt über das Mittelmeer auf die südeuropäischen Märkte gelangten. Desweiteren wird zuweilen die 'Renaissance' ins genannt, die mit einer Wiederentdeckung der römischen Rechtstradition einherging und damit auch die Kategorie des Sklaven wieder in Erinnerung rief. Vgl. hierzu stellvertretend A. HAVERKAMP, *Die Erneuerung der Sklaverei im Mittelmeerraum während des hohen Mittelalters. Fremdheit, Herkunft und Funktion*, in *Unfreie Arbeits- und Lebensverhältnisse von der Antike bis in die Gegenwart*, hrsg. E. HERMANN-OTTO, Hildesheim 2005 (G. Olms, Sklaverei Knechtschaft, Zwangsarbeit, 1), S. 130–166.

[2] Vgl. aus dem Bereich der Sklavereiforschung stellvertretend für viele J. FYNN-PAUL, *Empire, Monotheism and Slavery in the Greater Mediterranean Region from Antiquity to the Early Modern Era*, in „Past & Present", 205, S. 3–40, 33f., der einen Beschluss der Stadt Florenz anführt, demzufolge ein Jahr nach der zweiten großen Pestwelle von 1362 alle Beschränkungen für die Sklaveneinfuhr aufgehoben wurden. Für die Wirtschaftsgeschichte vgl. z. B. J.-C. HOCQUET, *I meccanismi dei traffici*, in *Storia di Venezia dalle origini alla caduta della serenissima*, hrsg. G. ARNALDI, G. CRACCO, A. TENENTI, 3, *La formazione dello stato patrizio*, Rom 1997 (Istituto della Enciclopedia italiana), S. 529–616, hier v. a. 545: Hocquet verweist auf die Akten eines einzigen, durch die Studien von B. KREKIĆ, *Contributo allo studio degli schiavi levantini e balcanici a Venezia (1388–1398)*, in *Studi in memoria di Federigo Melis*, hrsg. L. DE ROSA, Neapel 1978 (Giannini Editore), 2, S. 379–394, berühmt gewordenen venezianischen Notars (Marco dei Raffanelli) und zieht daraus verallgemeinernde Schlüsse, ohne den Befund jedoch innerhalb der restlichen Überlieferung zu verorten. Eine Liste dieser Art von Belegen für ein weit verbreitetes Forschungsnarrativ ließe sich mühelos

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantecinquesima settimana di studi", 14-18 aprile 2013*

die Städte eine Vielzahl von Maßnahmen ergriffen, um die Zuwanderung zu fördern und die Einwohnerzahl nach den Bevölkerungseinbrüchen der Pestmonate wieder zu erhöhen; von einem expliziten Interesse an importierter Sklavenarbeit jedoch ist hier nicht die Rede.[3] Es erscheint also angebracht, das makrohistorische Forschungsnarrativ, das einen Kausalzusammenhang zwischen der Großen Pest und der städtisch-mediterranen Haussklaverei behauptet, einer genaueren Prüfung zu unterziehen. Dies soll im Folgenden am Beispiel Venedigs versucht werden.

Venedig eignet sich für eine solche Fallstudie aus verschiedenen Gründen besonders gut: Zum einen war die Markusstadt aufgrund ihrer exponierten Lage und der Rolle als Handelsumschlagplatz zwischen Ost und West und Sammelstelle für Pilger aus ganz Europa von der Pest wiederholt heimgesucht. Jean-Noël Biraben zählt für die Zeit zwischen 1348 und 1631, also die Zeit zwischen der ersten und der letzten signifikanten Pestwelle im europäischen Raum, allein für die Stadt Venedig ohne das zugehörige Umland (*Terraferma*) und die überseeischen Kolonien (*Stato da Mar*) 61 Pestjahre.[4] Reinhold C. Mueller zufolge sind dabei die stärksten Bevölkerungseinbrüche für die Zeit des Spätmittelalters in den Jahren 1348, 1361, 1400, 1423, 1478 und 1486 zu verzeichnen, wobei die erste Pestwelle mit Abstand die meisten Opfer forderte. Die von ihm erstellte hypothetische Bevölkerungskurve für Venedig legt nahe, dass die Einwohnerzahl von ca. 110–120.000 aus der Zeit unmittelbar vor der ersten Pestwelle frühestens zu Beginn des 16. Jahrhunderts wieder erreicht werden konnte.[5] Zum anderen gehörte Venedig während dieser Zeit ganz zweifellos zu den wichtigsten Akteuren im mittelmeerischen Sklavengeschäft. Venezianer finden sich nicht nur als Zwischenhändler auf den Sklavenmärkten von Tana, Trebizunt, Caffa, Alexandria und Konstantinopel, sondern auch als Käufer in den Notariatsregistern der Lagunenstadt selbst.[6] Studiert man die Testamente der Bürgerinnen und Bürger Venedigs, so scheint spätestens ab 1400 wenigstens eine Sklavin bzw. ein Sklave fast standardmäßig in jeden einigermaßen wohlhabenden Haushalt gehört zu haben.

Inwiefern lässt sich nun aber aus diesen beiden Befunden, den anhaltenden Pesterfahrungen und der gleichzeitig florierenden Haussklaverei, ein kausaler Zusammenhang ableiten?

Bei der Beantwortung dieser Frage tun sich gleich zu Beginn eine ganze Reihe methodischer Probleme auf: Die Zahl der nach Venedig eingeführten und in der Stadt

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fortsetzen. Die meist beiläufige Erwähnung eines Kausalzusammenhangs zwischen Pest und Sklaverei wird vielerorts ab- und fortgeschrieben und findet sich demnach quer durch die Literatur zum mediterranen Spätmittelalter.

[3] Zu aktuellen Ansätzen und Darstellungen der Pestforschung allgemein vgl. O.J. BENEDICTOW, *The Black Death, 1346–1353. The Complete History*, Woodbridge 2004 (Boydell Press); *Living with The Black Death*, hrsg. L. BISGAARD, Odense 2009 (University Press of Southern Denmark); *Pestilential Complexities. Understanding Medieval Plague*, hrsg. V. NUTTON, London 2008 (The Wellcome Trust Center for the History of Medicine); M. VASOLD, *Die Pest. Ende eines Mythos*, Stuttgart 2003 (Theiss). Verwiesen sei auch auf eine im Entstehen begriffene Monographie von Gregor Rohmann zu „*Contagium* und *pestilentia*. Semantiken für die Übertragung böser Eigenschaften bis 1348/49". Barbara Bramanti hat außerdem die in den letzten Jahren kontrovers diskutierte Frage, ob es sich bei der Pest des 14. Jahrhunderts um den Erreger *Yersinia pestis* gehandelt hatte, abschließend beantworten können: S. HAENSCH, R. BIANUCCI, M. SIGNOLI, M. RAJERISON, M. SCHULTZ et al., *Distinct Clones of* Yersinia pestis *Caused the Black Death*, in „PloS Pathog", 6, 2010, e100134. Ich danke Wim Blockmans für diesen Hinweis.

[4] J.-N. BIRABEN, *Les hommes et la peste en France et dans les pays européens et méditerranéens*, vol. I, Paris 1975 (Mouton), S. 394–400. 61 Pestjahre in einem Zeitraum von 283 Jahren ergibt einen Durchschnittswert von ca. 4,6. Vgl. ähnliche Werte auch bei B. PULLAN, *Rich and Poor in Renaissance Venice. The Social Institutions of a Catholic State, to 1620*, Oxford 1971 (B. Blackwell), S. 219. Zur Pest in Venedig allgemein nach wie vor einschlägig: M. BRUNETTI, *Venezia durante la peste del 1348*, in „Ateneo Veneto", 32, 1909, S. 289–311, und *Venezia e la peste 1348/1797*, hrsg. COMUNE DI VENEZIA. Assessorato alla Cultura e Belle Arti, Venedig 1979 (Marsilio Editori).

[5] R.C. MUELLER, *Peste e demografia. Medioevo e Rinascimento*, in *Venezia e la peste*, S. 93–96, 94f.

[6] Zum Engagement venezianischer Kaufleute im mittelmeerischen Sklavengeschäft vgl. M. BALARD, *Giacomo Badoer et le commerce des esclaves*, in *Milieux naturels, espaces sociaux. Etudes offertes à Robert Delort*, hrsg. E. MORNET, F. MORENZONI, Paris 1997 (Publications de la Sorbonne, Histoire ancienne et médiévale, 47), S. 555–564.

lebenden Sklavinnen und Sklaven lässt sich (anders als die Zuwanderungsrate qualifizierter Arbeitskräfte) kaum zuverlässig berechnen. Es gab keine zentrale Behörde, die den Sklavenimport registrierte. Fassbar werden die Sklavinnen und Sklaven der Stadt vielmehr in erster Linie über notariell beglaubigte Kaufurkunden, Handelsbücher und testamentarische Verfügungen. Das Notariatswesen aber und die schriftliche Buchführung allgemein durchliefen in eben dieser Zeit ihre entscheidende Entwicklungsphase.[7] Der Aufschwung der schriftlichen Verwaltung brachte den Beruf des Notars, der zunächst meist von Klerikern ausgeübt wurde, überhaupt erst hervor,[8] und das notariell beglaubigte Abfassen von Testamenten wurde erst im Laufe des 14. Jahrhundert – nicht zuletzt auch unter der Erfahrung des plötzlichen Todes im Zuge der Pest – zu einer über die Oberschicht hinaus weit verbreiteten, quasi religiösen Praxis.[9] Die Zahl der registrierten Notare stieg exponentiell – und mit ihr auch die Zahl der überlieferten Notariatsurkunden und Testamente. Dass sich also für das 14. Jahrhundert eine zunehmende Zahl an Notaren namhaft machen lässt, die offensichtlich über die entsprechende Klientel verfügten und in ihren Büchern regelmäßig auch Sklavenkäufe und Freilassungen oder testamentarische Verfügungen zu Sklavinnen und Sklaven aus dem Besitz des Erblassers vermerkten, kann demnach weder den Beginn der Haussklaverei datieren helfen, noch lässt sich dieser Befund als Argument für einen Zusammenhang zwischen Pest und Sklaverei verwenden.

Ein zweites methodisches Problem zur quantitativen Erfassung der nach Venedig importierten Sklavinnen und Sklaven stellen die in den Dokumenten verwendeten Sprachen mit ihren jeweiligen Bezeichnungspraktiken dar. Waren die Testamente vor 1350 zum überwiegenden Teil auf Latein verfasst, fand ab der zweiten Hälfte des 14. Jahrhunderts zunehmend auch der venezianische Dialekt Eingang in die Verwaltungssprache. Immer mehr Testamente wurden in der Mundart des Testators diktiert und verschriftlicht. Während aber im Latein vor 1350 meist die uneindeutige Bezeichnung *servus/serva* verwendet wurde, konnte im venezianischen Dialekt mit dem Neologismus *schiavo/schiava* zwischen angestellten und unfreien Hausbediensteten lexikalisch unterschieden werden, was wiederum auf das Verwaltungslatein zurückwirkte und zu einer vermehrten Verwendung von *sclavus/sclava* auch im Lateinischen führte.[10] Dennoch blieben *servus/serva* und *sclavus/sclava* bis ins 16. Jahrhundert hinein in ihren Bedeutungsfeldern keine klar voneinander abgegrenzten Bezeichnungen, sondern wurden häufig auch synonymisch gebraucht. Ob es sich also in den überlieferten Notariatsregistern um importierte Sklavinnen und Sklaven oder angestellte Bedienstete aus dem Umland handelte, lässt sich häufig gar nicht mehr eindeutig klären.

Das dritte Problem besteht in den durch die Pest grundlegend veränderten Besitzverhältnissen und der gesellschaftlichen Zusammensetzung von Arm und Reich. Die

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[7] Zum Verhältnis von Mündlichkeit und Schriftlichkeit im Spätmittelalter vgl. grundsätzlich Arbeiten aus dem Umfeld von Simon Teuscher, z. B. S. TEUSCHER, *Textualising Peasant Enquiries: German Weistümer between Orality and Literacy*, in *Charters and the Use of the Written Word in Medieval Society*, hrsg. K. HEIDECKER, Turnhout 2000 (Brepols), S. 239–253; DERS., *Kompilation und Mündlichkeit: Herrschaftskultur und Gebrauch von Weistümern im Raum Zürich (14.–15. Jahrhundert)*, in „Historische Zeitschrift", 273, 2001, 2, S. 289–333. Außerdem: L. KUCHENBUCH, *Textus im Mittelalter. Komponenten und Situationen des Wortgebrauchs im schriftsemantischen Feld*, Göttingen 2005 (Vandenhoeck & Ruprecht), und IDEM, *Reflexive Mediävistik. Textus – Opus – Feudalismus*, Frankfurt/M.-New York 2012 (Campus), v. a. S. 41–63.

[8] Zum persönlichen Hintergrund der Notare und zur zunehmenden Standardisierung des Anforderungsprofils und der obrigkeitlich geregelten Lizenzvergabe in der Stadt Venedig vgl. L. GUZZETTI, *Venezianische Vermächtnisse. Die soziale und wirtschaftliche Situation von Frauen im Spiegel spätmittelalterlicher Testamente*, Stuttgart 1998 (J.B. Metzler), S. 19–22; E. BRANDOLISIO, *Testamenti di donne a Venezia nell'anno della peste nera 1348*, http://www.unive.it/nqcontent.cfm?a_id=127622 (Università Ca'Foscari Venezia Online, Dipartimento di Studi Umanistici, Annali, 2004/05; letzter Zugriff: 19. Juni 2013), S. 47.

[9] L. GUZZETTI, *Venezianische Vermächtnisse*, S. 17.

[10] Vgl. hierzu auch *Ibid*, S. 173, sowie M. ARNOUX, *Effacement ou abolition? Réflexion sur la disparition de l'esclavage dans l'Europe non médieterranéenne 11e–14e siècles*, in *Mediterranean Slavery Revisited* (500-1800). *Neue Perspektiven auf mediterrrane Sklaverei (500-1800)*, hrsg. S. HANß, J. SCHIEL, Zürich 2014 (Chronos, im Druck).

Pest trieb in den Phasen, in denen sie akut wütete, die Wohlhabenden aus den Städten auf die privaten Landsitze und hielt Arme und Bettler, Alte und Kranke in den Städten. Nach den akuten Phasen jedoch kam es in den Städten unter den zurückgekehrten und überlebenden Bürgerinnen und Bürgern jeweils zu einer deutlichen Besitz- und Kapitalakkumulation.[11] Diejenigen Haushalte, die nach den Pesteinfällen fortbestanden, waren häufig besonders finanzkräftig und konnten sich demnach auch einen wachsenden Stamm an Dienstpersonal leisten. Dabei erscheint es nur folgerichtig, dass sich in diesen Haushalten auch eine höhere Zahl von Sklavinnen und Sklaven fanden, ohne dass sich daraus schon verlässliche Aussagen zu der Frage ableiten ließen, inwieweit die Zahl der insgesamt in der Stadt lebenden Sklaven nach den Pestwellen anstieg.

Angesichts dieser methodischen Schwierigkeiten erweist sich eine seriell verfahrende, quantifizierende Auswertung von Notariatsregistern, Testamenten und Handelsbüchern für Aussagen zum Zusammenhang von Pest und Sklaverei als wenig zielführend. Dennoch lassen sich aus der näheren Betrachtung dieser Zeugnisse wichtige Aussagen ableiten, die allerdings zunächst einmal einen Negativbefund beinhalten: Der Handel und Besitz von Sklaven nämlich war in Venedig zweifellos schon vor dem Ausbruch der ersten großen Pestwelle keine Ausnahmeerscheinung.

So zeigt ein Blick auf die in Venedig verfassten Testamente, dass nicht nur angesehene Adlige und hochrangige Amtsträger der *Serenissima*, deren Testamente in der Frühphase des Notariatswesens mit höherer Wahrscheinlichkeit niedergeschrieben und überliefert wurden als andere, schon vor und während der ersten Epidemie relativ selbstverständlich über Sklavinnen und Sklaven in ihren Haushalten verfügten. Auch Bürgerinnen und Bürger mittleren und niederen Einkommens versprachen ihren Haussklavinnen und Sklaven für den Fall ihres Ablebens eine Abfindungssumme, eine kleine Aussteuer, Bettwäsche, Leintücher oder die Freiheit. Sowohl Linda Guzzetti, die für das erste Viertel des 14. Jahrhunderts 400 Frauen- und 100 Männertestamente des venezianischen Staatsarchivs ausgewertet hat, als auch Erika Brandolisio, die sich in ihrer Dissertation venezianischen Frauentestamenten aus dem Pestjahr selbst gewidmet hat, finden hierfür zahlreiche Beispiele.[12]

Ähnliches lässt sich auch aus den Notariatsregistern von Tana ableiten, dem wichtigsten venezianischen Handelsstützpunkt für die Zulieferung von Sklaven. Die Hafenstadt am nördlichsten Zipfel des Schwarzen Meeres war bereits vor 1340 und dann wieder ab 1358 fest in venezianischer Hand. Sergej P. Karpovs serielle Auswertungen der Register von in Tana urkundenden Notaren hat hier gezeigt, wie stark die Venezianer nach ihrer Rückkehr 1358 auf bestehende Infrastrukturen des Sklavenhandels in Tana zurückgreifen konnten.[13] Allein das Register des venezianischen Notars Benedetto Biancho enthält für den Zeitraum zwischen September 1359 und August 1360 unter den insgesamt 548 registrierten Personen

[11] J.-N. BIRABEN, *Les hommes et la peste en France et dans les pays européens et méditerranéens*, II, Paris 1976 (Mouton), S. 158; J.-C. HOCQUET, *I meccanismi dei traffici*, S. 543–545; R.C. MUELLER, *Aspetti sociali ed economici della peste a Venezia nel Medioevo*, in *Venezia e la peste*, S. 71–76, 74f.

[12] L. GUZZETTI, *Venezianische Vermächtnisse*; v.a. S. 171-182; E. BRANDOLISIO, *Testamenti di donne*, v. a. S. 62–66. Doch auch darüber hinaus lassen sich zahlreiche Belege für den selbstverständlichen Umgang Venedigs mit Sklaven finden. Vgl. z. B. *Documenti del commercio veneziano nei secoli XI–XIII*, hrsg. R. MOROZZO DELLA ROCCA, A. LOMBARDO, I-II, Rom 1940 (Editrice Libraria Italiana, Regesta Chartarum Italiae). Ein Beispiel für eine Art Kaufgarantie aus dem Jahr 1192, die dem Sklavenkäufer die volle Erstattung des Kaufpreises verspricht, wenn der erworbene Sklave innerhalb eines Jahres stirbt, lässt so etwa den Rückschluss zu, dass das Sklavengeschäft auch zu diesem Zeitpunkt schon klaren Regeln folgte und demnach relativ etabliert gewesen sein musste, vgl. *ibid*, 1, doc. 411, S. 402f.

[13] S.P. KARPOV, *L'Impero di Trepisonda Venezia, Genova e Roma. 1204–1461. Rapporti politici, diplomatici e commerciali*, Rom 1986 (Veltro Ed.). S.P. KARPOV, *La navigazione veneziana nel Mar Nero XIII–XV sec.*, Ravenna 2000 (Edizioni del Girasole).

98 Sklav/innen.[14] Ein solcherart florierendes Sklavengeschäft deutet darauf hin, dass bereits lange vor der Pest erfolgreiche Strukturen für diesen Handel geschaffen und genutzt worden sein mussten.

Doch auch wenn die Überlieferungslage keine Aussagen in absoluten Zahlen zulässt und die Auswertung der Notariatsregister die Existenz von Sklav/innen in Venedig für die Zeit vor 1348 klar belegt, ist damit der allenthalben behauptete Kausalzusammenhang zwischen der Pest und einem Aufschwung der Haussklaverei noch nicht widerlegt. Vielmehr gilt es nun in einem weiteren Schritt, nach Dokumenten aus der Zeit ab 1348 zu forschen, die explizite Aussagen zu einem solchen Zusammenhang enthalten bzw. aus deren Inhalten sich belastbare Hypothesen ableiten lassen. Denn sollte der Kauf und Besitz von Sklaven nach 1348 tatsächlich eine weit verbreitete Reaktion auf die demographische Krise und die hohen Lohnkosten gewesen sein, so kann dies sowohl auf eine aktiv beförderte Politik als auch auf individuelles Krisenverhalten zurückzuführen gewesen sein. In jedem Fall aber sollten sich Zeugnisse finden lassen, die von solchen Maßnahmen oder Praktiken in irgendeiner Weise zeugen.

Ein Blick auf die Ratsprotokolle und das Krisenmanagement der *Serenissima* im Umgang mit der Pest liefert hier erneut einen Negativbefund: Das große Sterben war noch nicht vorbei, als der venezianische Senat im Juni 1348 schon eine Reihe von Beschlüssen (*deliberazioni*) fasste, um die Lagunenstadt schnell und nachhaltig wieder zu bevölkern: Die in Scharen aus der Stadt geflohenen Adligen suchte man durch besondere Anreize in die Stadt zurück zu locken. Flüchtigen Ärzten und Notaren wurde mit Lizenzentzug gedroht, wenn sie nicht binnen Frist nach Venedig zurückkehrten. Verbannte wurden zurückgerufen, zum Gefängnis Verurteilte freigelassen. Gleichzeitig wurden für auswärtige Händler und Fachkräfte die Handels- und Arbeitsbedingungen durch niedrige Zölle und Abgaben attraktiv gestaltet, und Zugezogenen erleichterte man die Einbürgerung.[15] Die frühere protektionistische Haltung Venedigs, die eine scharfe Trennlinie zwischen Bürgern und Fremden gezogen hatte,[16] wich in den Jahren nach 1348 einer offensiven und nachhaltigen Einwanderungspolitik. So stieg etwa die Zahl der in die venezianische Gesellschaft hinein heiratenden *novi cives* in der zweiten Hälfte des 14. Jahrhunderts nachweislich deutlich an.[17] Dennoch scheint der Bevölkerungseinbruch noch lange spürbar gewesen zu sein, denn neben diesen konkreten Maßnahmen des venezianischen Senats finden sich während der gesamten Zeit der Pestepidemien immer wieder Ratsprotokolle, in denen die gestiegenen Lohn- und Lebenshaltungskosten beklagt wurden.[18] Nach einer Lockerung der

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[14] S.P. KARPOV, *Tana – Une grande zone réceptrice de l'émigration au Moyen Âge*, in *Migrations et diasporas méditerranéennes (X^e^–XVIe siècles). Actes du colloque de Conques (octobre 1999)*, hrsg. v. M. BALARD, A. DUCELLIER, Paris 2002 (Université de Paris, Publications de la Sorbonne. Série Byzantina Sorbonensia, 19), S. 77–89, hier v. a. 79. Ich danke Prof. Karpov für diesen Hinweis.

[15] Vgl. ARCHIVIO DI STATO DI VENEZIA (im Folgenden: ASVE), *Senato, Deliberazioni, Miste*, reg. 24, f. 73, f. 84f., 91f. Außerdem dazu M. BRUNETTI, *Venezia durante la peste del 1348*, u. a. S. 37–47; J.-C. HOCQUET, *I meccanismi dei traffici*, S. 543; R.C. MUELLER, *Aspetti sociali ed economici*, S. 74.

[16] Vgl. hierzu das Statut von 1305, dass das venezianische Bürgerrecht und dessen Erwerbung reguliert. Ausführlich bei S.R. ELL, *Citizenship and Immigration in Venice, 1305 to 1500*, Ph. D. (Manuskript), University of Chicago, Department of History, 1976, S. 42f.

[17] Vgl. *Ibid.*, S. 118–120; G. PINTO, *La politica demografica della città*, in *Strutture familiari, epidemie, migrazioni nell'Italia medievale*, hrsg. R. COMBA, G. PICCINNI, G. PINTO, Neapel 1984 (Edizioni scientifiche italiane, Nuove Ricerche di Storia, 2), S. 19–43, hier v. a. S. 29–37; L. MOLÀ, R.C. MUELLER, *Essere straniero a Venezia nel tardo Medioevo: accoglienza e rifiuto nei privilegi di cittadinanza e nelle sentenze criminali*, in *Le migrazioni in Europa secc. XIII–XVIII. Atti della „Venticinquesima Settimana di Studi" 3–8 maggio 1993*, hrsg. S. CAVACIOCCHI, Florenz 1994 (Le Monnier, Istituto Internazionale di Storia Economica „F. Datini", Prato, Serie II, Atti delle ‚Settimane di Studi' e altri Convegni, 25), S. 839–851.

[18] Schon im November 1349 klagte der Große Rat (*Maggior Consiglio*): *in civitate nostra sit multo maior caritudo solito, tam de aliquibus victualibus, quam de preciis artificum et aliorum ministerialium, quod multum grave et damnosum est*

Einfuhrbeschränkungen für Sklav/innen oder einem Beschluss zur Förderung des Imports unqualifizierter Arbeitskräfte aus Übersee sucht man in den Akten der *Serenissima* im Zusammenhang mit solchen Klagen zur angespannten Arbeitsmarktsituation jedoch vergebens.

Auch ein Beschluss des Senats aus dem Jahr 1382, demzufolge die zulässige Zahl der pro Schiff einführbaren Sklaven erhöht werden sollte, kann bei näherer Betrachtung weder als Maßnahme zur Wiederbevölkerung noch als Versuch zur längerfristigen Senkung der Lohnkosten gewertet werden. Vielmehr handelte es sich hier offensichtlich um eine Verordnung, die kurzfristig auf eine andere akute Situation reagierte. Durfte bislang jedes Besatzungsmitglied unbewaffneter Handelsschiffe maximal drei Sklaven nach Venedig einführen, so sollten nun für die Dauer eines Jahres vorübergehend vier Sklaven pro Kopf erlaubt sein.[19] Die Pest aber war wohl kaum der Grund für diese Entscheidung. Zwar hatte die Stadt Venedig im Jahr 1382 nach einigen Jahren der Ruhe erneut Pestfälle zu beklagen, doch fielen diese im Gegensatz zu den verheerenden Epidemiewellen in den Jahren 1348 und 1361 kaum ins Gewicht. Viel vordringlicher waren für den Senat die verheerenden Folgen des Chioggiakrieges (1378–81), der die *Serenissima* an den Rand des finanziellen Ruins gebracht hatte und um ein Haar das Ende der Republik bedeutet hätte.[20] Der Frieden von Turin (1381), der die blutigen Auseinandersetzungen zwischen Genua und Venedig um die Vorherrschaft im Mittelmeer beendet hatte, enthielt zudem eine Klausel, derzufolge während einer Dauer von zwei Jahren weder Genua noch Venedig in Tana Handel treiben durften.[21] Tana aber war Venedigs wichtigster Exporthafen für Sklaven. Angesichts der dreijährigen Kriegswirren und des darauffolgenden Handelsembargos ist demnach anzunehmen, dass der Sklavenbedarf in Venedig 1382 nicht mehr adäquat gedeckt werden konnte. Dementsprechend ist die Verordnung des Senats wohl als Versuch zu interpretieren, für die Zeit bis zur Aufhebung des Handelsverbots mit Tana Schiffe aus anderen Gebieten des Mittelmeerraums mit einer erhöhten Zahl Sklaven zu beladen, um den Lieferungsstau kompensieren zu können.[22] Damit wird erneut deutlich, dass die Sklaven schon in den 1370er Jahren einen derart gewichtigen Anteil des venezianischen Warenflusses ausgemacht haben mussten, dass eine vier- oder fünfjährige Unterbrechung der Handelsverbindung nach Tana politisches Eingreifen notwendig machte.

Ebenso kann ein Handelsdokument aus dem Jahr 1400, das kurz nach der dritten großen Epidemiewelle entstand und die Auswirkungen der Pest auf den Sklavenhandel thematisierte, das etablierte Forschungsnarrativ erneut nicht stützen. Im September des Jahres 1400 nämlich meldeten florentinische Händler, die sich über die Sommermonate in Venedig aufgehalten hatten, um dort Geschäfte zu machen, dass der Preis für tatarische Sklavinnen um über 50% gestiegen sei, da ein venezianischer Sklavenlieferant 30 oder 40

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omnibus, zitiert nach R.C. MUELLER, *Aspetti sociali ed economici*, S. 74. Ähnliche Klagen finden sich auch für die Zeit nach der Pest von 1400.

[19] ASVE, *Senato, Deliberazioni, Misti*, reg. 37, f. 70r (20. April 1382): *Capta. Quod sicut navigia disarmata possunt conducere Venecias tres sclavos vel sclavas pro quilibet salariato navigiorum. Ita possint conducere quartuor. Et istud dimitit pro isto anno tantum.*

[20] Vgl. R. CESSI, *Dopo la guerra di Chioggia. Il nuovo orientamento della politica veneziana alla fine del secolo XIV*, hsrg. M. ZANAZZO, presentazione di D. GIRGENSOHN, Venedig 2005 (Deputazione editrice); G. COZZI, M. KNAPTON, *Storia della Repubblica di Venezia dalla guerra di Chioggia alla riconquista della Terraferma*, Turin 1986 (UTET).

[21] F. LANE, *Venice. A Maritime Republic*, Baltimore, London 1973 (The John Hopkins University Press), S. 195–196.

[22] Ich danke Hannah Barker für diesen wichtigen Hinweis. Der venezianische Senatsbeschluss ist damit nicht mit dem für Florenz überlieferten Gesetz von 1363 vergleichbar, das Jeffrey Fynn-Paul und anderen zufolge als Reaktion auf die Pestwelle von 1362 die unbeschränkte Einfuhr von Sklaven beschlossen hatte. Vgl. J. FYNN-PAUL, *Empire*, S. 33. Allerdings wäre wohl auch hier zu klären, inwiefern der florentinische Beschluss von 1363 tatsächlich einen Wendepunkt darstellte oder ob dieser Entscheid nicht auch hier in eine sehr viel komplexere Entwicklung einzuordnen ist.

seiner Sklavinnen durch die Pest verloren habe.[23] Damit erfahren wir einiges über die Funktionsweise des venezianischen Sklavenmarkts: Eine plötzliche Verknappung des Angebots bei gleich bleibender Nachfrage führte vorübergehend zu einem rapiden Preisanstieg. Das Sklavengeschäft befand sich demnach an der Wende zum 15. Jahrhundert in Venedig in der Hand weniger, spezialisierter Kaufleute, die große Mengen von Sklaven auf die italienischen Märkte brachten. Denn wenn ein einzelner Sklavenhändler während einer Saison 30 bis 40 Sklavinnen durch die Pest verlieren konnte, wird die Zahl der von ihm insgesamt gehandelten Sklaven zweifellos bedeutend höher gewesen sein. Gleichzeitig muss die Zahl solcher Großhändler des Sklavengeschäfts begrenzt gewesen zu sein, denn andernfalls hätte sich der Sklavenverlust eines einzigen Zulieferers nicht so massiv auf die Preisbildung auswirken können.[24] Zur Beantwortung der Frage nach einem Kausalzusammenhang zwischen der Pest und der florierenden Haussklaverei taugt dieses Dokument jedoch wiederum wenig.

Wenn also die Bevölkerungs- und Wirtschaftspolitik der *Serenissima* ebenso wie die Zeugnisse der Fernhändler für die hier formulierte Fragestellung keine belastbaren Hinweise liefern, muss zuletzt die Situation am Arbeitsmarkt zusammen mit den individuellen Krisenentscheidungen der Venezianer in der Markusstadt in den Fokus rücken.

Hier nun wird man bei einer Durchsicht der Statuten (*capitolari*) der verschiedenen venezianischen Berufsgruppen endlich fündig.[25] Zwischen 1278 und 1330, also in den Jahrzehnten unmittelbar vor dem Ausbruch der Pest, hatte die venezianische Aufsichtsbehörde für Handwerk und Gewerbe (*Giustizia*) die bislang überwiegend mündlich tradierten Statuten vierzig verschiedener Berufsgruppen in einem zentralen Register zusammengeführt.[26] Dieses Register ist uns überliefert und wurde von G. Monticolo und E. Besta zusammen mit denjenigen Nachträgen und Statutsänderungen, die in den Jahren nach den ersten Pestepidemien vorgenommen wurden, ediert.[27] Die sorgfältige Edition mit kritischem Anmerkungsapparat und Sachkommentar ermöglicht uns nun in geradezu einmaliger Weise, Reaktionen und Bewegungen am venezianischen Arbeitsmarkt in den Jahren der Pest mitzuvollziehen. Denn die Bruderschaften (*Scuole*) der verschiedenen Berufsgruppen (*arti veneziane*), die ihre Statuten bereits vor 1348 schriftlich fixiert hatten, nahmen nachträgliche Änderungen nur vor, wenn der Handlungsdruck hoch war. In den Begründungen, die in diesen Statutenänderungen angeführt wurden, spielen dabei vor allem zwei Akteursgruppen eine Rolle: die *Signoria* mit den ihr unterstehenden Beschlussgremien

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[23] ARCHIVIO DI STATO DI PRATO (kurz: ASPO), *Datini*, b. 713 (April–Oktober 1400).

[24] Diese Einschätzung deckt sich zudem mit den Informationen, die sich aus der Analyse früher venezianischer Handels- und Rechnungsbücher ableiten lassen. Die meisten Adligen Venedigs, die vorübergehend im Fernhandel tätig waren, brachten nur gelegentlich eine/n oder zwei Sklav/innen nach Italien, ohne daran selbst sonderlich viel zu verdienen. Die großen Umsätze machten die meisten Kaufleute Venedigs eher mit anderen Gütern. Vgl. hierzu die Handelsbücher von Donado Soranzo, Andrea Barbarigo und Giacomo Badoer. Außerdem: M. BALARD, *Giacomo Badoer et le commerce des esclaves*; J. SCHIEL, *Wirtschaftsfaktor Sklaverei. Der entgrenzte Menschenhandel des spätmittelalterlichen Mittelmeerraums zwischen individuellen Handlungsmustern und kollektivem Marktgeschehen*, in *Neue Beiträge zur Wirtschaftsgeschichte*, hrsg. T. DAVID, T. STRAUMANN, S. TEUSCHER, Zürich 2015 (Schweizerisches Jahrbuch für Wirtschafts- und Sozialgeschichte, 30, Chronos, Manuskript zum Druck angenommen); J. SCHIEL, *Zwischen Panoramablick und Nahaufnahme. Wie viel Mikroanalyse braucht die Globalgeschichte?*, in *Europa in der Welt des Mittelalters*, hrsg. v. T. LOHSE, B. SCHELLER, Berlin 2014 (Europa im Mittelalter, Akademie Verlag, im Druck).

[25] Ich danke Mathieu Arnoux für diesen wichtigen Hinweis. Vgl. hierzu auch Ph. BRAUNSTEIN, *Être esclave à Venise à la fin du Moyen Âge*, in *Couleurs de l'esclavage sur les deux rives de la Méditerranée (Moyen Âge – XXᵉ siècle)*, hrsg. v. R. BOTTE, A. STELLA, Paris 2012 (Éditions Karthala), S. 85–111, hier v. a. 95, sowie M. ARNOUX, *Effacement ou abolition*, in *Mediterranean Slavery Revisited.*

[26] Die Aufsichtsbehörde wurde später in die *Giustizia Vecchia* (zuständig für das Großgewerbe) und die *Giustizia Nuova* (zuständig für das Kleingewerbe) unterteilt.

[27] *I capitolari delle arti veneziane sottoposte alla Giustizia e poi alla Giustizia Vecchia*, hrsg. v. G. MONTICOLO, E. BESTA, III, Rom 1914 (Istituto Storico Italiano, Fonti per la storia d'Italia. 28 - Statuti, secoli xiii–xiv).

und die Mitglieder der eigenen Zunft. Die Hüter der *Capitolari* reagierten also offenbar entweder auf politische Beschlüsse und Verfügungen „von oben“ oder auf durch das Verhalten der „eigenen“ Leute zutage tretende Misstände oder Missbrauchspraktiken.

Interessant ist nun, wann die venezianischen Handwerkszünfte Beschlüsse der *Signoria* aufgriffen und wann sie diese ignorierten. So verfügte die *Signoria* bereits 1323, dass Handwerksmeister künftig mehr als die bislang ein bis zwei zulässigen Lehrlinge in ihrem Betrieb anstellen durften (bzw. sollten). Doch erst nachdem die erste große Pestwelle die venezianische Bevölkerung fast halbiert hatte, kamen die meisten Berufsgruppen diesem Aufruf nach. Die *Arte delle Faldelle* (Wollgewerbe) etwa beschloss 1355, dass künftig jeder Meister so viele Lehrlinge bei sich haben dürfe, wie er wünsche (*quicumque voluerit accipere famulos seu fantesellas ad morandum secum pro docendo ipsos vel ipsas possit et debeat accipere quot voluerit*).[28] Dabei wird diese Statutenänderung hier zusammen mit einer anderen Ratsbeschluss-Übernahme vorgenommen, die eine Notverordnung des venezianischen Senats bzw. des Großen Rats zu den Folgen der Pest enthielt. Als Maßnahme zur Wiederbevölkerung der Stadt (*propter multiplicationem et habitationem terre nostre*) hätten fremde Zuwanderer und venezianische Bürger, die einer Handwerksgilde beitreten wollten, bis auf weiteres keine Eintrittsgebühr zu entrichten, so der Ratsbeschluss.[29] Offenbar sah das Wollgewerbe also vor der Pest keinen Grund, die Zahl ihrer Mitglieder durch die Zulassung neuer Lehrlinge zu erhöhen. Vielmehr ging es hier um Besitzstandswahrungen der bisherigen Mitglieder. Die Verfügung der *Signoria* wurde überhört.[30] Als der Senat aber wenige Jahre nach der Pest Maßnahmen ergriff, um die Zugangsbeschränkungen zu den Handwerksgilden zu lockern und damit den wirtschaftlichen Wiederaufschwung des venezianischen Gewerbes zu fördern, wurden diese Bestimmungen schon wenig später aufgegriffen und zusammen mit dem vordem ignorierten Bescheid zur Zahl der zulässigen Lehrlinge in eine größere Statutenänderung verwandelt. Die Neuaufnahme fremder *und* venezianischer Mitglieder war seit dem 5. November 1355 kostenlos (*non solvendo*). Die temporäre Notverordnung des Senats wurde durch die Statutenänderung für das Wollgewerbe zudem sogar faktisch verdauert.[31]

Für die hier verhandelte Fragestellung relevant sind nun die Stellen innerhalb der *Capitolari delle arti veneziani*, in denen der Einsatz und der Umgang mit der Arbeitskraft von Sklaven zur Sprache kommen. Noch einmal kann hier das Wollgewerbe als Beispiel dienen. Etliche Jahre vor der Pest, am 15. April 1325, hatte der Große Rat verfügt, dass in keinem Handwerk Sklaven beschäftigt werden dürften, die nicht in der jeweiligen Handwerksgilde zuvor registriert worden waren. Doch erst als diese Vorschrift wenige Jahre nach der zweiten großen Pestepidemie von 1361 am 16. September 1365 auch durch die *Avogaria di Comun* wiederholt und bekräftigt wurde, reagierte das Gewerbe mit einer Übernahme in die eigenen Statuten.[32] Sowohl 1325 als auch 1365 reagierte der Große Rat offenkundig auf

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[28] *Capitolare dell'Arte delle Faldelle*, cap. 72 (05-11-1355), in *I capitolari delle arti veneziane*, III, S. 355.

[29] Dies verfügte der Senat am 17. Juli 1348 zunächst für die Dauer von zwei Jahren, bevor der Große Rat am 3. Juni 1352 diesen Beschluss mit dem Vermerk verdauerte: *tantum plus donec fuerit revocata*. Vgl. *I capitolari delle arti veneziane*, III, S. 352–353.

[30] Übrigens galt dies nicht nur für das Wollgewerbe. Allein die *Capitolare dei Carpentieri* sowie die *Capitolare die bottai* übernahmen die Verfügung der *Signoria* schon vor dem Ausbruch der Pest. Alle anderen setzten sich darüber hinweg und behielten die restriktive Aufnahmepolitik bis in die 1350er Jahre bei. Vgl. *I capitolari delle arti veneziane*, III, S. 354.

[31] Die Widerrufsklausel des Großen Rats (*tantum plus donec fuerit revocata*) findet sich im cap. 72 (05-11-1355) der *Capitolare dell'Arte delle Faldelle*, zitiert nach *I capitolari delle arti veneziane*, III, S. 353, nicht wieder.

[32] Zum Ratsbeschluss vgl. ASVE, *Maggior Consiglio, Deliberazioni*, reg. 19 (*Liber Novella*), fol. 101r (15-04-1325): *quod omnes sclavi et slave, que voluerint facere et operari de dicta arte, non possint hoc facere nisi primo fuerint subiecte matricule, capitulari et statutis artis predicte floldellarum ne fraus committatur in ipsa*. In der *Capitolare dell'Arte delle Faldelle* erscheint diese Verfügung in cap. 73 (16-09-1365) im venezianischen Dialekt: *che tuti sclavi e sclave, le qual vorà far over adovrar*

einen Missstand, der allerdings erst 1365 für das Gewerbe selbst zu einem nicht länger tragbaren Zustand geworden war, gegen den man sich nun vorzugehen genötigt sah.

Aus diesem Befund lassen sich einige wichtige Schlussfolgerungen ziehen. Zum einen bestätigt und vervollständigt der Ratsbeschluss von 1325 den Eindruck, der sich schon aus dem Studium der Notariatsregister ergeben hatte: Sklaven waren bereits lange vor der Pest fester Bestandteil der venezianischen Gesellschaft. Nicht nur Adlige, Amtsträger und wohlhabende Bürger, auch einfache Handwerksmeister besaßen Sklaven und setzten deren Arbeitskraft in ihrem alltäglichen Lebensumfeld ein. Zum zweiten waren damit die in Venedig lebenden Sklaven keineswegs „nur" Haussklaven, wie in der Literatur meist behauptet. Die Zahl der illegal in den Handwerksbetrieben beschäftigten Sklaven scheint vielmehr so signifikant gewesen zu sein, dass sich zunächst der Große Rat und schließlich auch die Handwerkgilden selbst genötigt sahen, die Herren dieser illegal beschäftigten Sklaven zur Verantwortung zu ziehen und für ihr Fehlverhalten zu bestrafen.[33] Drittens hat dieser Missstand im Laufe des 14. Jahrhunderts offenbar eher zugenommen, denn sonst hätte der Große Rat seinen Beschluss 40 Jahre später nicht erneut bekräftigen müssen. Dass das Wollgewerbe dieses Mal sofort reagierte, deutet viertens darauf hin, dass die Handwerkszünfte im Jahr 1365 durch diese Praktiken zentrale eigene Interessen gefährdet sahen.

Um welche Interessen es hierbei gegangen sein könnte, lässt sich aus einem weiteren Senatsbeschluss von 1370 schließen: Nur fünf Jahre nach der Registrierungspflicht für Sklaven in Handwerksbetrieben verbot der Senat für Berufsgruppen, die an der Herstellung exportorientierter Luxusartikel beteiligt waren, den Einsatz von Sklaven gänzlich. Diejenigen Sklaven, die in diesem Handwerk bereits unterrichtet worden waren, sollten durch die *Giustizia* erfasst werden und durften künftig nur noch an andere Handwerksmeister derselben Zunft innerhalb der Stadt weiterverkauft, keinesfalls aber nach außerhalb von Venedig gehandelt werden. Begründet wurde dieser Vorstoß gegen den Einsatz von Sklaven in diesen Betrieben mit der Stadtflucht vieler Fachkräfte seit der zweiten großen Pestwelle 1361: *quia laboratores et magistri dictarum artium a parvo tempore citra, non habentes respectum ad damnum mercatorum, recedunt de Veneciis cum laboreriis et havere nostrorum et vadunt ad laborandum per terras alienas.*[34] Diesen Ratsbeschluss übernahm das Seidengewerbe (*Arte dei Velluti*) wenig später wortwörtlich in seine Statuten.[35] Ähnlich reagierte das Schiffsgewerbe: 1377 integrierten die *Patroni e Provveditori all'Arsenal* und 1437 auch die Schiffszimmerleute (*Arte dei Calafatti*) den Senatsbeschluss von 1370 in ihre Statuten. Offensichtlich war in Politik und Gewerbe die Angst groß, dass nicht nur die Handwerksmeister selbst ihr Fachwissen in die Dienste anderer Herren stellen würden, sondern dass auch ins „Ausland" weiterverkaufte oder freigelassene Sklaven zu gefährlichen Wissensträgern werden und den Wirtschaftsstandort Venedig insbesondere im Bereich der lukrativen Luxusindustrie nachhaltig schwächen könnten.

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della ditta arte, non possa far questo se inprimamente no serà sozeti a la mariegola e capitular e statuti de la ditta arte delle flodelle azochè froldo no possa esser cometudo in quella, zitiert nach *I capitolari delle arti veneziane*, III, S. 355–356.

[33] So heißt es im Ratbeschluss weiter: *sed possint puniri sicut puniuntur fraudantes vel peccantes in ipsa et domini ipsorum sclavorum aut sclavarum.* Und die *Capitolare dell'Arte delle Faldelle* verfügt: *e li signor de li ditti sclavi over sclave sia tegnudi de responder per lor se lor serà condenadi in pecunia.* Zitiert nach ibid.

[34] ASVE, *Senato, Deliberazioni, Misti*, reg. 30, fol. 73r (29-08-1370): *Insuper, non possit de cetero aliquis sclavus vel sclava discere aliquam dictarum artium, videlicet nec ordire nec texere, sub pena librarum .ii^c. illis qui docerent illos vel illas et in cuius domo laborarent; alii vero sclavi et sclave, qui hactenus discissent aliquam dictarum artium, non possint per illos, quorum erunt, vendi nec translatari in aliquem vel aliquos nisi de licentia consulum mercatorum, ita tamen quod dicta venditio sive translacio fieri non possit nisi laborantibus de dictis artibus qui sint habitatores Veneciarum, nec etiam possint extrahi de Veneciis, sub pena librarum .v^c. pro quolibet qui sic venderet et translataret vel extraheret sive extrahi faceret de Veneciis predictos sclavos vel sclavas de predictis contra predicta.* Vgl. auch *I capitolari delle arti veneziane*, III, S. 357.

[35] *Capitolare dell'Arte dei Velluti*, cap. 24–25, in *I capitolari delle arti veneziane*, III, S. 357–358.

Dass alle diese Maßnahmen trotz alledem wenig gefruchtet zu haben scheinen, macht eine Statutenerweiterung des Goldschmiedegewerbes (*Arte dei Battiloro*) aus dem Jahr 1455 deutlich. Hier klang es beinahe resigniert, wenn darauf hingewiesen wurde, dass frühere Ratsbeschlüsse, welche die venezianische Goldschmiedekunst zu schützen versucht hatten, nicht den erwünschten Erfolg gebracht hätten und viele Venezianer weiterhin ihren eigenen Profit über das Wohl der Stadt stellten, indem sie ihren Sklaven die Schmiedekunst lehrten: *alcuni, non guardando al mal commun ma solo al suo proprio ben, habbia principiado a far imparar i soi schiavi, la qual cosa è molto pericolosa, sì perchè el se torave el vivere ai nostri veneziani, si etiam perchè i schiavi sempre cercano d'esser liberi e sappiando ben el ditto mestier haveranno poi cason et vie d'insir e fuzir da Veniesia e facilmente porterà el mestier in altrui terre et anche i lor messieri alle fiade per certe cason vendono tal schiave a forestier.*[36]

Damit tritt hier noch ein weiterer Aspekt zutage: Das Erlernen eines Handwerks durch einen Sklaven oder eine Sklavin wurde nicht nur als Gefährdung für den Wirtschaftsstandort Venedig empfunden, sobald diese (ehemaligen) Sklaven außer Landes gingen. Ihr Wissen und ihre Fertigkeiten stellten aus Sicht der Zünfte auch eine Bedrohung für die gesellschaftliche Ordnung und den inneren Frieden in der Stadt dar (*sì perchè el se torave el vivere ai nostri veneziani*). Wenn die politisch und rechtlich schwächsten Glieder der Gesellschaft zu Fachleuten eines Luxusgewerbes wie der Goldschmiedekunst wurden, wurde dies offenbar als eine *cosa molto pericolosa* für das Gemeinwohl Venedigs empfunden.

Nimmt man die hier gewonnenen Erkenntnisse zusammen, so lässt sich nun Folgendes resümieren: Die Annahme einer Kausalverkettung zwischen dem demographischen Einbruch und den steigenden Lohnkosten infolge der Pest auf der einen und dem Aufschwung der Haussklaverei auf der anderen Seite ließ sich für die Republik Venedig nicht erhärten. Die beiden Phänomene standen in keinem direkten Ursache-Forge-Verhältnis zueinander, sondern waren in sehr viel komplexere Zusammenhänge eingebettet. Der Besitz von Sklaven war in Venedig zweifellos schon vor 1348 keine Ausnahmeerscheinung. Für die Zeit nach 1348 wiederum finden sich zahlreiche Dokumente, welche die Bedeutung der Sklaven für Handel und Gewerbe belegen und eine Blütezeit dieses Wirtschaftszweigs auch unabhängig von den wiederholten Pesterfahrungen nahelegen.

Dabei ist zudem noch eine weitere gemeinhin behauptete Annahme der Forschung ins Wanken geraten: Die Form der Sklaverei, die im spätmittelalterlichen Venedig praktiziert wurde, war weit mehr als eine „reine" Haussklaverei. Wenn üblicherweise behauptet wird, Sklaven seien in Venedig vor allem in den Haushalten der Vermögenden beschäftigt gewesen, so ist dies wohl vor allem eine Folge der Tatsache, dass der Einsatz von Sklavenarbeit außerhalb der Haushalte seit Mitte des 14. Jahrhunderts zunehmend kriminalisiert wurde. Dementsprechend selten finden sich deshalb Erwähnungen dieser klandestin fortgesetzten Tätigkeiten von Sklaven in den überlieferten Zeugnissen.[37] Sklaven arbeiteten aber tatsächlich – wie die Untersuchung der *Capitolari* der Handwerksgilden gezeigt hat – ebenso häufig in der Tuchherstellung, auf der Werft, in der Seidenverarbeitung, in der Schmiedekunst oder andernorts. Nur wird der Weber oder der Schmied seinen Sklaven oder seine Sklavin in der testamentarischen Verfügung vor dem städtischen Notar wohl kaum für dessen Hilfe im Betrieb, sondern vielmehr für die treuen Dienste im Haushalt mit der Freiheit und einer kleinen Abfindungssumme entlohnt haben.

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[36] *Capitolare dell'Arte dei Battiloro*, cap. 38–39. Bereits 1340 hatte die *Quarantia* („Rat der 40") die Ausübung des Goldschmiedegewerbes außerhalb von Venedig unter Strafe gestellt. Dieser Beschluss wurde 1367 durch den Senat wiederholt und die gesetzte Geldstrafe erhöht, vgl. *I capitolari delle arti veneziane*, III, S. 359–360, hier 360.

[37] Ein ganz anderes Feld klandestiner Sklaventätigkeit, nämlich dasjenige der Kräuter- und Arzneiherstellung, untersuche ich in: J. SCHIEL, *Mord von zarter Hand. Der Giftmordvorwurf im Venedig des 15. Jahrhunderts*, in *Mediterranean Slavery Revisited*.

Diejenigen, die Sklaven kauften, senkten also effektiv ihre eigenen Lohnkosten, da sie die Sklaven dort einsetzen konnten, wo sie sie am meisten brauchten. Dies galt sicherlich ganz besonders in Zeiten wirtschaftlicher Rezession wie etwa nach den beiden Pestwellen von 1348 und 1361 oder nach dem Chioggiakrieg 1381. Aber es galt auch sonst. Vom einfachen Handwerksmeister bis zum adligen Fernhändler: sie alle kauften Sklaven zur Unterstützung ihres Familienunternehmens und sparten damit Kosten für Dienstpersonal im Haushalt, für Ammen und Betreuungspersonal bei der Kinderaufzucht, für Lehrlinge und Gesellen im eigenen Betrieb, für Träger und Gondelführer bei Transport und Fortbewegung oder für Dolmetscher oder Buchhalter im überregionalen Handel. Sklaven waren aus Sicht der Venezianer eine flexibel einsetzbare Arbeitskraft und gleichzeitig ein gefährliches Gut für die Exportwirtschaft und die innere Verfasstheit der Gesellschaft. In diesem Spannungsfeld verortet sich die venezianische Sklaverei des Spätmittelalters. Dieses auszuloten und die verschiedenen Tätigkeitsfelder der Sklaven in ihren sozioökonomischen Kontexten zu untersuchen, muss die Aufgabe weiterer Recherchen sein.[38]

Die Ursachen und Auslöser für das Aufleben von Sklavereipraktiken im spätmittelalterlichen Mittelmeerraum sind aber wohl eher anderswo zu suchen. Weitaus lohnender scheint es mir hier, den Rückwirkungen der venezianischen Besitzungen und Handelserfahrungen in Übersee auf die heimischen Ökonomien nachzugehen. Zum einen ließe sich dabei an eine Bemerkung von Gino Luzzatto anknüpfen, der für venezianisch Kreta notierte, dass sich für die venezianischen Eroberer schon zweihundert Jahre vor der Entdeckung Amerikas die Frage stellte, wie eine militärisch besetzt gehaltene Agrarkolonie die zur Bestellung der Felder benötigte Arbeitskraft dauerhaft sicherstellen konnte.[39] Die zur Zwangsarbeit verpflichtete autochtone Bevölkerung wurde dort schon früh durch aus der Schwarzmeerregion importierte Sklavinnen und Sklaven ergänzt, und Candia wurde damit zu einem der ersten und wichtigsten Sklavenmärkte der lateinischen Welt. Möglicherweise wurden in der Kolonialgesellschaft Kretas Modelle der Sklavenwirtschaft erprobt, die sich später für das Mutterland adaptieren ließen.[40]

Zum anderen scheint mir, dass die Bedeutung der ostadriatischen Küstenstädte für die Geschichte Venedigs allgemein und für den Menschenhandel im Besonderen nach wie vor unterschätzt geblieben ist. Auf der Balkaninsel wurden das gesamte Mittelalter hindurch Teile der autochtonen Landbevölkerung versklavt. Die aufstrebenden Küsten- und Handelsstädte Istriens und Dalmatiens entdeckten lange vor den südwesteuropäischen Städten die Haussklaverei als lukrative Wirtschaftsform. Betrachtet man die Gesetzgebung der *Serenissima* zum Menschenhandel im Adriaraum vor dem Hintergrund der Ereignisse und Praktiken östlich des *culfus noster* der Venezianer, so erweist sich diese als verblüffend reaktiv. Die Einfuhrbedingungen und Bezeichnungen für aus dem Balkan gehandelte Menschen orientierten sich stark an den Statuten und Praktiken von Städten wie Kotor, Ragusa, Korçula, Split und Trogir.[41] Weiter zu prüfen wäre hier, inwiefern die dalmatinische Haussklaverei im Laufe des 14. Jahrhunderts für Venedig Vorbild und Erfolgsmodell wurde.

Diese beiden alternativen Erklärungsansätze, deren Belastbarkeit erneut anhand der Überlieferungen zu überprüfen wäre, können hier allerdings nur als Hypothesen formuliert werden. Eine sozioökonomische Kausalverkettung der Phänomene von Pest und Sklaverei jedenfalls kann für das Venedig des 14. Jahrhunderts mit gutem Grund zurückgewiesen werden.

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[38] Die Monographie, an der ich derzeit arbeite, hat sich eben diese Aufgabe zum Ziel gesetzt.

[39] G. LUZZATTO, *Storia economica di Venezia dall'XI al XVI secolo*, Venedig 1961 (Marsilio), S. 63.

[40] Verwiesen sei hier auf die fundierten Arbeiten von Sally McKee zu venezianisch Kreta: u. a. S. MCKEE, *Households in Fourteenth-Century Venetian Crete*, in „Speculum", 70, 1995, S. 27–67; DIES, *Inherited Status and Slavery in Late Medieval Italy and Venetian Crete*, in „Past & Present", 182, 2004, S. 31–53.

[41] Vgl. J. SCHIEL, *Zwangsmigration im Adriaraum. Was gehandelte Menschen über transkulturelle Verflechtung lehren*, erscheint im May 2014 in russischer Sprache in der Reihe des Deutschen Historischen Instituts Moskau.

Francesco Guidi Bruscoli

Bartolomeo Marchionni and the Trade in African Slaves in the Mediterranean World at the End of the Fifteenth Century

"Certo pacto cum rege habito, omnes nigros in sua manu habet, et eos per omnem Italiae et Hispaniae oram vendit, et dicunt regem ex eo quotannis plus quadriginta milibus ducatorum ducatorum habere".[1] It was thus that in 1494-95 Hieronymus Münzer (or Monetarius) described the Florentine Bartolomeo Marchionni's role in the commerce of African slaves destined for Italy and Spain. This monopoly, Münzer claims, cost Marchionni 40,000 ducats a year (this amount, equivalent to almost 16,000,000 reals, appears, however, - particularly in light of what we will see below - enormously exaggerated).[2]

The import of African slaves to Europe in general, and to Portugal in particular, in the fifteenth and sixteenth century has been widely discussed by the literature. Much effort has also been devoted to providing quantitative data, as we shall see. However, although there is general agreement on the development and dynamics of the trade, attempts to estimate the number of imported slaves and the costs and profits of the trade have produced widely differing results. Though these issues will be briefly discussed in par. one and two, the core of this work is devoted to the Florentine Bartolomeo Marchionni, one of the most prominent foreign merchants in Lisbon between the end of the fifteenth and the beginning of the sixteenth century. Through the study of his activity, however, it is possible to follow the strategies pursued by the Portuguese Crown in managing its monopoly over the African trade and its evolution in time; moreover, the international trade organized by Marchionni, who was re-exporting African slaves to the rest of the Iberian peninsula and to Florence, also highlights Portugal's growing importance in European commercial networks.

1. Portugal and the African slaves

African slaves had become increasingly important to Western Europe during the 15th century, particularly after the Ottoman conquest of Constantinople had curtailed the number of eastern slaves being imported. In the same period, moreover, the continuing Portuguese exploration along the African coast meant that a growing number of blacks were brought to Europe through Portugal - with European intermediation - instead of through North Africa - with Arab intermediation. Portugal, which had until then been an importer of slaves, became in a very short space of time an exporter (or, rather, a re-exporter). In 1441 the first African slaves were taken to Portugal and - according to the chronicler Gomes Eanes de Zurara - between that year and 1448 an average of 115 slaves

[1] H. MÜNZER, *Itinerarium*, in *Monumenta Missionaria Africana. Africa Ocidental (1342-1499)*, ed. A. BRÁSIO, Lisbon 1958 (II serie, I), p. 246.

[2] For more about Marchionni, see F. GUIDI BRUSCOLI, *Bartolomeo Marchionni, «homem de grossa fazenda»: un mercante fiorentino a Lisbona e l'impero portoghese (ca. 1450-ca. 1530)*, Florence 2014.

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantacinquesima settimana di studi", 14-18 aprile 2013*

arrived annually in Lisbon (927 in total).[3] By 1455, Ca' da Mosto estimated that the number of slaves imported from the area of Arguim alone (today in Mauritania) was 700-800.[4]

While initially African slaves were generally snatched directly by Europeans using military force (or at the very least through hostile acts), such aggressive methods quickly gave way to commerce. In 1479 the Treaty of Alcáçovas sanctioned the Portuguese monopoly over the African territories south of Cape Bojador and the Catholic kings agreed not to interfere in the slave trade, provided their dominion over the Canary Islands was recognised. Thus, increasingly, Lisbon and other Portuguese cities became the black African's first European port of call. Descriptions that have come down to us from contemporary observers emphasise their high number, estimated at about 10% of the population of Lisbon in mid-sixteenth century.

In 1486, to cope with what by now had become a consistently numerous influx of slaves, the Portuguese Crown decided to create a new office: the *Casa dos Escravos*, a subsidiary organ within the *Casa da Guiné*.[5] In the same year, and evidently as part of the same strategy, the trade in black slaves of a vast area of the African West coast was contracted out to Bartolomeo Marchionni. This was not the first time that a private party had stipulated a contract of this kind: in 1469 King Afonso V had appointed Fernão Gomes as "Reçebedor de todollos mouros e mouras e de quaaesquer outras cousas […] do nosso rresgate de Ginea".[6] But, in the 1480s, as the Portuguese advanced along the coast of the Guinea gulf there were also increasingly frequent incursions into the area then called *Rio dos Escravos* (more or less corresponding to what we now know as Benin), which then became routine after the construction of the fortress at São Jorge da Mina; in 1474, the sovereign had also prohibited all further trade in the area unless it had been granted a royal license.[7] The Crown could control the slave trade in any of three ways: either by entrusting it directly to its own officials, or by contracting out specific areas (as it did to Marchionni), or by conceding licenses to private parties.

For the second half of the fifteenth century, Duarte Pacheco Pereira, who in the 1480s and 90s navigated the African coast, estimated that the number of slaves imported annually from the stretch of coast from the "Reyno de Jalofo" (Senegal) to Sierra Leone was c. 3,500.[8] At the beginning of the sixteenth century, according to a contemporary generally considered reliable, the Venetian Leonardo da Ca' Masser, the Portuguese Crown "traze pure della Ginea per l'appalto delli Negri, ch'entrano in questa città da teste 2.000, all'anno ducati 5.000", or 1,950,000 reals.[9] Much of the trading continued, however, to be interregional (with Portuguese intermediation), and in order to keep the costs of transport down slaves destined for Europe were taken from the area of Senegambia rather than from

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[3] F. THEMUDO BARATA, *Navegação, comércio e relações políticas: os portugueses no Mediterrâneo ocidental (1385-1466)*, Lisbon n.d., pp. 125-128.

[4] *Le navigazioni di Alvise da Ca' da Mosto e Pietro di Sintra*, in G.B. RAMUSIO, *Navigazioni e viaggi*, ed. M. MILANESI, I-VI, Turin 1978, I, p. 487.

[5] J.L. VOGT, *The Lisbon Slave House and African Trade, 1486-1521*, in "Proceedings of the American Philosophical Society", CXVII, 1973, pp. 1-16, 1-2.

[6] J.M. DA SILVA MARQUES, *Descobrimentos portugueses: documentos para a sua historia*, I-III, Lisbon 1944-1971, I, supplement, p. 347.

[7] J.L. VOGT, *The Lisbon Slave House*, cit., pp. 2-3.

[8] D. PACHECO PEREIRA, *Esmeraldo de situ orbis*, ed. R.E. DE AZEVEDO BASTO, Lisbon 1892, p. 58. Found in the context of an eulogy of Portuguese enterpise, this estimate is certainly exaggerated (cfr. I. ELBL, *The Volume of the Early Atlantic Slave Trade, 1450-1521*, in "Journal of African History", XXXVIII, 1997, pp. 31-75, 67-68).

[9] *Relazione di Leonardo da Ca' Masser alla Serenissima Repubblica di Venezia sopra il commercio dei portoghesi nell'India dopo la scoperta del Capo di Buona Speranza (1497-1506)*, ed. G. SCOPOLI, in "Archivio Storico Italiano", s. I, 1845, Appendix 10, pp. 7-51, 30, 44.

the more distant Guinea Gulf. Slaves taken from the Guinea Gulf were generally used locally, in the Mina de Ouro or in the plantations of the Atlantic islands.[10]

Estimating the number of slaves bought and sold by the Portuguese in the beginnings of the trans-Atlantic slave trade is an extremely arduous task and one that has kept numerous academics busy, with often conflicting results. The lack of surviving primary sources is obviously the main problem; moreover, those that have survived belong to many different genres and tend to be rather unclear. Adding to the difficulties are the enormous fluctuations from one year to the next, as well as the existence of illegal imports. All of these factors lead to estimates and approximations based on corrective percentages (either upwards or downwards) the diversity of which generates very different results. For the last fifteen years of the fifteenth century and the beginning of the sixteenth century, for example, the estimates oscillate between 800-900 and almost 4,000 slaves annually, with a general tendency to increase over time, albeit rather unevenly.[11]

2. Costs and Profits

We face similar problems when we attempt to estimate with some degree of precision the eventual profits from the commerce of slaves. This is because, even if we accept as accurate the numbers we have, the data cannot always be traced back to the channels of sale. It is not, for example, always clear if the price quoted in the sources refers to the price paid in Africa (often, moreover, paid in goods), to the value attributed in Lisbon, to the sale price in Lisbon or an average based on the price paid for the contract and the (approximate) number of slaves taken back to Europe.

After the very first phase, when, as pointed out above, the Africans were forcefully seized directly by the Europeans, trade began to be carried out with the local populations and the slaves were bought in exchange for goods or money. In 1445 a horse was worth 25-30 slaves; by 1455 10-15 slaves; in the area between Arguim and Gambia the horse continued to be a highly valued object of barter, even if progressively, during the sixteenth century, one horse bought fewer and fewer slaves, setting at around 6-7 per horse. South of the Rio Gambia, on the other hand, the very humid climatic conditions and the tze-tze flies made the horse's life a very difficult one, and so the local population preferred brass objects (*manilhas de latão*). At the end of the fifteenth century a "piece" (a slave) could be bought on the island do Principe, in the Guinea Gulf, for 12 or 15 *manilhas*; twenty years later the price had risen to 57 *manilhas*.[12] Other goods, in particular cloth, were also used to buy slaves.

In Lisbon, during the reign of John II (1481-95), the price of the best slaves oscillated between 5,000 and 5,500 reals; at the beginning of the reign of Manuel I (1495-1521) the price had risen to 6,000 - 7,200, reaching 8,000 reals towards the end of the reign.[13] In general, the increasing demand for slave labour meant that prices tended to rise over time, despite the growing number of slaves imported. However, in our calculations we must also consider the devaluation of the real during this period. The prices of slaves were commonly expressed using this coin as a unit of measure, but it must be noted that in the last forty

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[10] J.L. VOGT, *The Lisbon Slave House*, cit., pp. 8-9.

[11] Ivana Elbl has gathered together the estimates carried out by various scholars and stresses that the annual averages they have produced are for different time periods and cannot usefully be compared. She also provides "projections" on the totals of the period 1450-1521, obtaining results that range from approximately 64,000 to 211,000 (I. ELBL, *The Volume of the Early Atlantic Slave Trade*, cit., pp. 32-34, 59-62).

[12] V. MAGALHÃES GODINHO, *Os Descobrimentos e a Economia Mundial*, I-IV, Lisbon 1981-1983^2, IV, p. 163.

[13] The price was slightly lower for female slaves and much lower for old or very young slaves; it increased enormously however, to as much as double, for slaves sold locally to the gold merchants who traded with the Portuguese in the area of the Mina (J.L. VOGT, *The Lisbon Slave House*, cit., p. 10).

years of the fifteenth century the real devaluated progressively: in 1460, in fact, 253 reals were worth one *cruzado* (gold coin that remained constant, similar to the European ducat/florin), while at the end of the reign of John II the exchange rate had increased to 380 and during the reign of Emanuel I to 390 and then to 400. In other words, although the prices in reals increased from about 3,000 in 1460 to about 5,000 in 1500, in terms of *cruzados* they remained more or less constant: between 12 and 13 *cruzados* per slave. In the following decade, the price increased consistently, reaching 17.5 *cruzados* (or 6,825 reals).[14] These prices corresponded to slightly less than the annual wages of a manual worker.[15]

In any case, we can estimate the value of the objects offered for barter, the cost of transport and of feeding and clothing in the last years of the reign of Manuel I as coming to a total of 4,000 - 4,500 reals. This meant, that even considering that the loss deriving from the death of a part of every shipload had to be "spread across" the surviving slaves, there was a high margin of profit on every slave of quality.[16]

The rest of this paper concentrates only on those operations in which Bartolomeo Marchionni and his correspondents were involved, in a large geographical area. Marchionni's commerce of slaves essentially covered three areas: Lisbon, Valencia/Seville and, to a lesser extent, Florence.

3. Marchionni and the Slave Trade

The Marchionni family is first mentioned in connection to the slave-trade in the mid-fifteenth century. It has been said that in 1458 the Marchionnis sent their agent, the Genoese Antoniotto Usodimare (who in the 1450s was also buying slaves along the Gambia river), to buy Tartars in Caffa, in the Black Sea.[17] Such a claim seems, however, highly unlikely. Bartolomeo at the time was 8 or 9 years old, and therefore his personal involvement is out of the question; his father was a *speziale* (apothecary) in Florence and there is no evidence of his conducting a parallel trade in slaves, which would in any case seem to have been an unlikely combination. What has, on the other hand, been documented with certainty is that some years later, by now a resident of Lisbon, Bartolomeo had seized the many opportunities offered by the Portuguese oceanic trade.

In the late fifteenth century the increasing Portuguese supremacy meant that African slaves began to be imported into Europe following the Atlantic route, and no longer through North Africa with the intermediation of Arab merchants. The foreigners residing in Lisbon contributed to the arming of the fleets sent towards the south according to criteria and rules rigidly established by the Portuguese Crown. In 1474-75, for example, Marchionni played a key role in financing the fleet that prince John II sent towards the Guinea coasts.[18] A decade later, in 1486, as mentioned above, he obtained a contract for the traffic of the *Rio*

[14] *Ibid.*, pp. 25-27. For the *cruzado*/real exchange rate in this period see, for example, *Descripção geral e historica das moedas cunhadas em nome dos reis, regentes e governadores de Portugal*, ed. A.C. TEIXEIRA DE ARAGÃO, Lisbon 1874, I, pp. 223-258.

[15] A.C. DE C.M. SAUNDERS, *A Social History of Black Slaves and Freedmen in Portugal, 1441-1555*, Cambridge 1982, p. 88.

[16] J.L. VOGT, *The Lisbon Slave House*, cit., p. 11.

[17] "Pare che [...] nel 1458 [Usodimare] fosse fiduciario della casa fiorentina dei Marchionni a Caffa" is the reference, without a source, furnished by R. CADDEO (*Le navigazioni atlantiche di Alvise da Cà da Mosto, Antoniotto Usodimare e Niccoloso da Recco*, Milan, 1928, p. 88) and then cited by many scholars.

[18] J. HEERS, *Marchione, Bartolomeu*, in *Dicionário de História de Portugal*, ed. J. SERRÃO, Porto 1963-1973, 4, p. 171.

dos Escravos.[19] And in the same year he also obtained, from the Catholic kings, permission to trade slaves in the kingdoms of Castile and Aragon.

The accounts of the heirs of Joham do Porto, *almoxarife* of the *Casa dos Escravos*, provide some figures on the importation of slaves to Lisbon between 15 June 1486 and 31 December 1493: in these seven and a half years the *almoxarife* received 14,580,278 reals for 3,589 slaves, with an average price per head of a little over 4,000 reals.[20] According to Verlinden's calculations, in that period Marchionni imported at least 1,648 of these 3,589 slaves, or 45.9%.[21]

How accurate these calculations are cannot be established with any certainty; what we can say, however, is that in the same period Marchionni contributed 9,000,000 (61.7%) of these 14,580,278 reals. In reality the figures are only partially complete: in fact the Florentine paid 6,300,000 reals in 1486 "que era obrigado por bem do seu tracto do Rio dos Escravos"; 500,000 in 1489-90 as down-payment on the 1,100,000 "que era obrigado do seu tracto dos Rios" of 1490; and finally 2,200,000 in 1492 as a down-payment of the period 1493-95.[22] Bartolomeo's contract therefore presumably lasted for the entire seven and a half years and covered a vast area of the West African coast.[23] It is not, however, clear how much money he actually spent, because to the 9,000,000 reals must be added at least 600,000 to complete the payment of 1490 and an unknown sum to complete that of 1493-95; we do not know exactly what the large initial deposit corresponded to. Based on the figures just given, in any case, the average amount deposited annually was certainly more than the 1,100,000 reals that the contract apparently cost Marchionni in 1490.[24]

Once they reached Lisbon, all the slaves were taken to the *Casa dos Escravos*, where they were counted and valued; the price assigned to them was also used to establish the customs tax, or the *quarto* and the *vintena*.[25] Some slaves were assigned to high-ranking officials, but most of them were sold, either directly by the contractors, or through the *almoxarife*. Often the sale of slaves (like that of other goods) in Lisbon necessitated the presence of *corretores* (brokers) appointed by the king, who had the right to a commission of 2% on the sales. Interestingly, in 1491 the *corretores* were forbidden by the sovereign from applying this commission to the sales of slaves imported by the *Casa dos Escravos* and by Bartolomeo Marchionni.[26] Although it did not have lasting effects, this decree might on the one hand be seen as favouritism towards the Florentine, but on the other hand it might perhaps have been part of a more general strategy aimed at encouraging a trade that, despite a period of rapid growth, was still in its initial stages.

It is well-nigh impossible to make any truly satisfactory calculation of Marchionni's profits, because, as already mentioned, all we have are fragmentary figures of uncertain in-

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[19] In reality the area involved refers probably to "all the coastal regions trading in slaves"; in any case this was not a monopoly, as they had to compete against the privileges of some, including the settlers of the islands (I. ELBL, *The Volume of the Early Atlantic Slave Trade*, cit., pp. 55-56).

[20] ARQUIVO NACIONAL TORRE DO TOMBO DI LISBOA (ANTT), *Leitura Nova*, liv. 17, *Livro 1 da Estremadura*, c. 268*v*; published in *Cartas de quitação del Rei D. Manuel*, ed. A. BRAAMCAMP FREIRE, in "Archivo Historico Portuguez", III, 1905, pp. 477-478 (no. 404).

[21] C. VERLINDEN, *L'esclavage dans l'Europe médiévale*, I: *Pénisule Iberique – France*, Bruges 1955, pp. 626-627.

[22] *Cartas de quitação*, cit., p. 477.

[23] A. CARREIRA, *Notas sobre o tráfico português de escravos*, Lisbon 1978, pp. 22-23 describes Marchionni as the contract-holder for the *Rios dos escravos* in 1486-93 and for the *Rios de Guiné* in 1490-95.

[24] At the beginning of the sixteenth century the same (?) contract appears to have been assigned to Fernão de Noronha; the annual amount was equivalent to 1,600,000 reals (J.W. BLAKE, *Europeans in West Africa, 1450-1560*, I-II, London 1942, II, p. 198).

[25] Respectively 25% and 3.75% of the value, given that the *vintena* was calculated on the 75% of the value remaining after the subtraction of the *quarto* (I. ELBL, *The Volume of the Early Atlantic Slave Trade*, cit., p. 38, note 22).

[26] A.C. DE C.M. SAUNDERS, *A Social History of Black Slaves*, cit., pp. 18-19.

terpretation. Nevertheless, Ivana Elbl has attempted to do just this: she has calculated his profits as being 31.1%, which she considers is in line with the profits of other contemporary operators.[27] Her figures, however, are based on imprecise initial values and on rather inaccurate calculations, that moreover do not take into account the time it took for the profits to mature (in other words, how many years after the initial investment); therefore various adjustments would be needed, both in kind and in amount.[28] The unknowns, in other words, are so numerous that any further guesses seems to make little sense; what is certain, however, is that the profit margin - whether of 20, 30 or 40% - was certainly high and justified the interest that Marchionni showed in this type of investment between the 1480s and 90s. Towards the turn of the century he apparently had an agent at São Tomé, which after 1493 had become one of the major centres for the sorting and selling of slaves acquired in the regions of Benin and of Congo. In 1502, moreover, we know that his son-in-law, Francesco Corbinelli, was given the contract for the trading of slaves from Arguim.[29]

Although in the years following the voyage of Vasco de Gama (1497-99) Marchionni's interest turned increasingly towards Asian spices, he must nevertheless have maintained some interest in the importation of African slaves: in 1510, in fact, it was Marchionni who furnished the Catholic kings with the first West African blacks to be sent to the New World.[30] Moreover, in the period 1511-13 Goncalo Lopes, *almoxarife dos escravos*, received more than 27 million reals, including about 83,000 from the Florentine: a much smaller figure than in preceding years, but one that still indicates Marchionni's continuing interest in the trade.[31]

Of all the slaves imported from Guinea to Lisbon, there was one in particular whom we find mentioned in connection with Marchionni over a period of several years. At the end of the 1480s Catarina, then eight years old, was sold by the Florentine to the Jew "Guedelha Guoallite"; within two years the young girl had converted to Christianity and was freed, to then enter into service of Marchionni "como fora e livre". After some time, however, he denied having ever sold her, claiming that therefore she had always been his slave; but in 1492 he lost his case and Catarina was given a *Carta de alforria*, declaring that she was a free woman.[32]

Soon after its discovery, slaves also began to be imported from Brazil: in 1511, for example, the ship *Bretoa*, whose shipowners included Marchionni, returned to Lisbon with 36 slaves, as well as *brasil* wood, monkeys, parrots and jaguars; the slaves were valued at 173,000 reals in all, or an average of 4,942 reals per head.[33]

Marchionni's involvement in the slave trade was not limited to the Africa-Lisbon route (or even Brasil-Lisbon), but extended beyond, to the redistribution towards the markets of the Italian peninsula and above all of mediterranean Spain. This exportation was, moreover, encouraged by Afonso V and his successors to the Portuguese Crown, which gained considerable financial advantage from the customs duties on slaves. For the redistribution

[27] I. ELBL, *The Volume of the Early Atlantic Slave Trade*, cit., pp. 38-40.

[28] For a detailed analysis of these calculations and of the problems linked to them see F. GUIDI BRUSCOLI, *Bartolomeo Marchionni*, cit., pp. 120-122.

[29] M.E. MADEIRA SANTOS, *Mercanti di uomini dall'isola di Capo Verde ai circuiti afro-europei*, in *Mercanti e viaggiatori per le vie del mondo*, ed. G. MOTTA, Milan 2000, p. 32.

[30] H. THOMAS, *The Slave Trade. The History of the Atlantic Slave Trade: 1440-1870*, London 1998, p. 95.

[31] M. NUNES DIAS, *O capitalismo monárquico português (1415-1549). Contribução para o estudo das origens do capitalismo moderno*, I-II, Coimbra 1963-64, II, p. 183.

[32] *Portugaliae Monumenta Africana*, ed. L. DE ALBUQUERQUE, M.E. MADEIRA SANTOS, I-V, Lisbon 1993-2002, II, pp. 84-85 (Doc. 46).

[33] ANTT, *Obras Várias Impressas e Manuscritas*, Núcleo Antigo, 759; D. FERNANDES, *Livro da viagem da nao "Bretoa" ao Cabo Frio (em 1511)*, ed. F.A. DE VARNHAGEN, Rio de Janeiro 1867, pp. 97-111.

to the European continent, tp the American continent and to the Atlantic islands there were two main centres: Valencia and Seville.

4. THE EXPORT OF SLAVES TO VALENCIA

Valencia and Lisbon began to establish economic links with each other in the last quarter of the sixteenth century. Attracted by this promising relationship, firms from the Italian peninsula (mainly Tuscan) very quickly began to participate in this flow of goods that, starting in the mid-fifteenth century, began to include the products of the Atlantic world: sugar first of all and, a little later, slaves.[34] As in Lisbon, also in Valencia there must have been a fairly large black population which constituted a "conspicuous minority"; in the 1470s the Africans made up about 40% of the slaves sold on the local market.[35]

The slave market in Valencia attracted both Portuguese and Tuscan merchants - above all Florentines - who were also involved in insurance and bills of exchange.[36] In 1482, for example, we find Marchionni and Giovanni di Corrado Berardi sending a hundred black slaves to a fellow Florentine in Valencia, Giovanni del Vigna. Normally, however, in Valencia it was another Italian, Cesare Barzi, who was Marchionni's closest business partner, dealing both with local sales of slaves and with their re-exportation. In 1487, when the Valencian merchant Joan Adrover bought "some blacks who had to come on a caravel", it was Barzi, "factor of the said Florentine" (that is of Marchionni), who collected the payment of 1,500 ducats.[37]

Practically all the studies regarding the Valencian slave market refer to the vast documentation published in 1964 by Vicenta Cortés.[38] These documents are all taken from the registers of the *Mestre Racional*, which recorded the *quinto* tax on the slaves sold. In reality the *quinto* tax did not correspond to a fifth (that is to 20% of the value of the slaves), but rather to a fifteenth (6.67%), as can be demonstrated by a simple calculation based on the figures in the registers.[39] Not all the documentation relative to sales has survived, but traces remain concerning the slaves' arrivals: for example, we find records for 21 February 1491 of a caravel captained by Alfonso de Cadiz, coming from Lisbon and carrying 152 slaves (six of whom died) destined for Barzi.[40] In the *Mestre Racional*, unfortunately, the name of Marchionni appears only twice: on 26 September 1494, day in which "Blas Francolí, peletero, presenta una negra. Gamba, de 20 años, de Mantenga, comprada en Lisboa al mercader florentino micer Bartolomé"; and on 3 July 1497, when "Césaro de Barchi presenta 119 negros de Jalof, que ha consignado micer Bartolomé Marchoni, mercader florentino, en Portugal. Vendidos en 1.950 lbs".[41] It can, however, be generally assumed that, even in the cases in which Marchionni is not explicitly mentioned, Barzi was acting on his behalf; evidence for this can be found, on the one hand in Bartolomeo's role in Lisbon in relation to the slave trade, on the other in the closely-knit relationship between the two merchants. Cesare Barzi was undoubtedly the most important slave trader on the marketplace of Valencia

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[34] P. IRADIEL MURUGARREN, D. IGUAL LUIS, *Del Mediterráneo al Atlántico. Mercaderes, productos y empresas italianas entre Valencia y Portugal (1450-1520)*, in *Portogallo mediterraneo*, ed. L. ADÃO DA FONSECA, M.E. CADEDDU, Cagliari 2001, pp. 143-194, 150-157.

[35] D. BLUMENTHAL, La Casa dels Negres*: Black African Solidarity in Late Medieval Valencia*, in *Black Africans in Renaissance Europe*, ed. T.F. EARLE, K.J.P. LOWE, Cambridge 2005, pp. 229-231.

[36] P. IRADIEL MURUGARREN, D. IGUAL LUIS, *Del Mediterráneo al Atlántico*, cit., pp. 164, 168.

[37] *Ibid.*, pp. 177, 179 (note).

[38] V. CORTÉS, *La esclavitud en Valencia durante el reinado de los Reyes Católicos (1479-1516)*, Valencia 1964.

[39] "Cinq comptant al quinze" (*Ibid.*, p. 65).

[40] P. IRADIEL MURUGARREN, D. IGUAL LUIS, *Del Mediterráneo al Atlántico*, cit., p. 180.

[41] *Ibid.*, pp. 270 (doc. 354), 291 (doc. 489).

in the 1490s: large quantities of slaves passed through his hands and only a limited number of "pieces" were sold without his intermediation.

The table below lays figures taken from Cortes' work: all the slaves were "negros de Jalof" (Wolof, originating from Senegambia).

Tab. 1. **Sales of African slaves by Cesare Barzi in Valencia, 1489-1497.**[42]

date	n° slaves	n° slaves per annum	sale price (in £.s.d.)	average sale price (in £)	*quinto* (in s.d.)	ref. in Cortés' book
1489, 19 Jun	105	213	1740. 0.0	16,6	2320.0	p. 232, doc. 98
1489, 11 Dec	108		1882.10.0	17,4	2510.0	p. 234, doc. 113
1490, 17 Sep	33	33	360. 0.0	10,9	480.0	p. 236, doc. 125
1491, 7 Apr	147	322	2820. 0.0	19,2	3760.0	p. 242, doc. 163
1491, 8 Oct	102		2000. 0.0	19,6	2666.8	p. 246, doc. 190
1491, 21 Nov	73		1204.10.0	16,5	1606.0	p. 247, doc. 195
1492, 6 Jun	146	146	2628. 0.0	18,0	3504.0	p. 251, doc. 226
1493, 19 Apr	133	402	2500. 0.0	18,8	3333.4	p. 256, doc. 268
1493, 21 Aug	125		2000. 0.0	16,0	2666.8	p. 258, doc. 277
1493, 23 Aug	144		2135. 0.0	14,8	2860.0	p. 258, doc. 282
1494, 26 Apr	134	134	*2144. 0.0°*	*16,0°*	*2858.8°*	p. 267, doc. 340
1495, 20 Jan	75	640	1750. 0.0	23,3	2334.4	p. 273, doc. 364
1495, 20 Jan	82		1848. 0.0	22,5	2464.0	p. 273, doc. 365
1495, 20 Jan	86		1204. 0.0	14,0	1605.4	p. 273, doc. 366
1495, 22 Apr	141		*1974. 0.0**	14,0*	*2632.0**	p. 275, doc. 378
1495, 10 Jun	146		*2044. 0.0**	14,0*	*2725.4**	p. 275, doc. 382
1495, 6 Jul	110		*1540. 0.0**	14,0*	*2053.4**	p. 277, doc. 390
1496, 9 Mar	139	139	1610. 0.0	11,6	2146.8	p. 283, doc. 427
1497, 3 Jul	119	119	1950. 0.0	16,4	*2600.0*	p. 291, doc. 489
TOTAL	**2148**	**2148**	**35334. 0.0**	**17,1§**	**47126.4**	

Source: From V. CORTÉS, *La esclavitud en Valencia*, cit., pp. 232-291. The amounts are expressed in *lire*, *soldi* and *denari* of Valencia (1 £ = 20 s. = 240 d.). The figures in italics are my additions.
° The document does not mention the price; we have assumed an average price of 16 *lire* and thus obtained the sale price and relative *quinto*.
* The sale price is not furnished here, but that to which each slave is "ajustado" (14 *lire*). The sale price was around 10-20% more: see, for example, *ibid.*, p. 274 (Docc. 375, 377). The total price, missing in the document, has been calculated by multiplying by 14 the number of slaves; the *quinto* has then been calculated from this; the final figures are most probably underestimates.
§ The average has been calculated considering only the sale price actually realised (excluding therefore the values marked with an * or an °).

Taking as given that the "ajustados" were also eventually sold, Barzi sold an average of 268.5 slaves a year: the peak was in 1495 with 640 slaves, and the low in 1490, with 33 slaves. If we exclude the figures where there is no explicit indication of the sale price, the average price of 1,617 "negros de Jalof" on the market of Valenza was 17.1 Valencian *lire* per "head" (27,632 *lire* in total); it should be noted, however, that the price varied greatly - from an average of 10.9 on the shipload of 17 September 1490 to 22.5-23.3 on two loads of 20 January 1496.

[42] Similar tables, which use the same sources, but provide slighly different data, have been published by V. RAU, *Notes sur la traite portugaise à la fin du XV siecle et le Florentin Bartolomeo di Domenico Marchionni*, in *Miscellanea offerts à Charles Verlinden à l'occasion de ses trente ans de professorat*, Ghent 1975, p. 541, e da V. CORTES, *La trata de esclavos durante los primeros descubrimentos (1489-1516)*, in "Anuario de Estudios Atlánticos", IX, 1963, pp. 23-49, 46.

Occasionally Barzi also sold slaves originating from the Canary Islands: between 1493 and 1494 they went through his hands on three occasions, for a total of 14 "heads".[43] Moreover, in 1488 and 1494, together with a number of black slaves Barzi received in Valencia, on behalf of Marchionni, 96 "sclaus moros" and one white slave.[44]

At the beginning of the sixteenth century, after the appearance on the market of an increasing number of merchants, the slave market of the African coast changed dramatically, from the point of view of both supply and distribution: in the first aspect the influence of the Portuguese merchants increased, in the second that of the Valencians. This did not, however, lead to a regular or increasing flow of slaves to Valencia; on the contrary, between 1502 and 1508 there was a notable fall, followed by a marked increase in 1509-16.[45] The accounts of the *Mestre Racional* in effect show that already as of 1497 the *quinto* was paid only on a few isolated cases (at most 3-4 a year), originating from various places, and not only the African continent. For some years, moreover, there were no longer the shiploads of dozens of slaves that had characterized the preceding period. For some of the operations mentioned Barzi used his own Portuguese, Spanish or Italian agents.[46] How many of these were linked also to Marchionni is however impossible to say with any certainty.

5. African Slaves in Seville

Together with Valencia, Seville was the other large market on the Iberian Peninsula for African slaves being traded through Lisbon. The commercial links between Lisbon and Seville had intensified after 1479, this had led to an increase in the number of slaves arriving in the city, a part of which would then be re-exported towards other areas of Castile or towards the Atlantic Islands.[47] There were good profits to be had, if one considers that the average price for a slave in Seville at this time hovered around 20 ducats, while as we have seen, in Lisbon it was 12.5 *cruzados* in 1500 and 17.5 in 1510.[48] While merchants of various nationalities were involved in this traffic, the most prominent were the Florentines, the Genoese and the Portuguese, particularly the latter from the beginning of the sixteenth century. Among the Florentines resident in Seville and active in this traffic were Donato Niccolini, Piero Rondinelli, and Iacopo Fantoni.[49]

In Seville at this time we also find the Florentines Giovanni and Giannotto Berardi, who were very closely linked to Marchionni. In 1485 the Berardis were involved in several court cases concerning the commerce of slaves in the city. In one of these cases the Berardis were petitioning for the restitution of a number of blacks sent from Portugal who had been confiscated by the officials of the Seville customs; among the Portuguese and Florentines who had sent the slaves from Lisbon - and who had probably tried to have them taken to Seville without paying the customs tax - we find Bartolomeo.[50] In the same period King Ferdinand ordered that the Berardis be returned several slaves that had been seized - this

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[43] V. CORTÉS, *La esclavitud en Valencia*, cit., p. 257 (doc. 269), 259 (doc. 286) and 267 (doc. 340).

[44] P. IRADIEL MURUGARREN, D. IGUAL LUIS, *Del Mediterráneo al Atlántico*, cit., p. 180.

[45] V. CORTÉS, *La trata de esclavos*, cit., pp. 40-41.

[46] EADEM, *La esclavitud en Valencia*, cit., pp. 299-466.

[47] According to a 1565 census the slaves (the vast majority of whom were black) living in the city were 6,327 out of 85,538 (7.4%): R. PIKE, *Aristocrats and Traders: Sevillian Society in the Sixteenth Century*, Ithaca 1972, p. 172.

[48] R. PIKE, *Sevillian Society in the Sixteenth Century: Slaves and Freedmen*, in "The Hispanic American Historical Review", XLVII, 1967, pp. 344-359.

[49] A. FRANCO SILVA, *Esclavitud en Andalucía, 1450-1550*, Granada 1992, pp. 54-60.

[50] V. MEDRANO FERNANDEZ, *Un mercado entre fronteras: las relaciones comerciales entre Castilla y Portugal al final de la Edad Media*, Valladolid 2010, pp. 365-366; H. NADER, *Desperate Men, Questionable Acts: The Moral Dilemma of Italian Merchants in the Spanish Slave Trade*, in "The Sixteenth Century Journal", 33, 2002, pp. 401-422, 408.

time as reprisal - by Esteban Pérez Cabitos.[51] In 1486 Bartolomeo and the two Berardis obtained from the Catholic kings a safe conduct that authorized them to trade in various merchandise (including slaves) in all the territories of the Crowns of Castile and Aragon. Moreover, Ferdinand and Isabella promised to protect the three Florentines if revenge was sought as a result of bad debts both in Portugal and in Florence.[52] In 1489 we can assume that Marchionni was one of the merchants (Florentine and Portuguese) on whose behalf the Catholic King demanded the return of a shipload of slaves who had been captured by Gomez Arias de Inclán, even though the latter had been authorised to do so as a reprisal by the Spanish sovereign himself[53]. In 1490 the Catholic kings ordered that anyone who had bought slaves (and other goods) from Giannotto Berardi had to pay by the date agreed on, without delay: this was because Berardi was owed a considerable amount of money for previous operations and feared that he would not be reimbursed.[54] In 1492 a ship belonging to Marchionni and carrying a load of 127 black slaves destined for Lisbon was attacked by Basque pirates; the Florentine's appeal to the Catholic king must have been effective, as the sovereign immediately condemned the attack.[55]

After the death of Giannotto Berardi, Bartolomeo had to build closer links with Piero Rondinelli, who conducted a fruitful commercial activity in Seville buying and selling goods including sugar from the Canary Islands, English wool, Italian silks and many other products, as well as slaves. In 1496, 103 slaves of Guinea were auctioned off on behalf of Rondinelli and Donato Niccolini: it can be assumed that these slaves were brought to Seville via Lisbon by Bartolomeo. In 1512-14, Rondinelli sold slaves who had arrived through Valencia, sent by or on behalf of Cesare Barzi.[56]

In 1510 the Portuguese Crown began to export African blacks towards the West Indies (via Lisbon-Seville) and in 1517 it licenced Spanish ships to transport slaves to the Antilles directly from Cape Verde. In the 1530s, the export of slaves towards the West Indies increased enormously, but by then Marchionni was already dead.

6. African Slaves on the Florentine market

In the second half of the fourteenth century and at the beginning of the fifteenth century slaves constituted - to borrow from Iris Origo - "no inconsiderable proportion of the Florentine population". Many came from the Levant, becoming particularly numerous after the Plague of 1348; a decree of 1363 sanctioned the unlimited importation of slaves - provided they were not Christians. Most of these worked as house slaves. In the second part of the fifteenth century, not least, as mentioned above, because of the Ottoman conquest of Constantinople (1453) and of Caffa (1475), the supply of Levantine slaves diminished; consequently, Florence, like the rest of Western Europe, began to look to the Dalmatian coast and to Africa.[57]

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[51] C. VARELA, *Colombo e i fiorentini*, Florence 1991, p. 42.

[52] *El Tumbo de los Reyes Catolicos del Concejo de Sevilla*, I-V, Seville 1929-71, IV, pp. 135-136.

[53] *Documentos referentes a las relaciones con Portugal durante el reinado de los Reyes Catolicos*, I-III, ed. A. DE LA TORRE, L. SUÁREZ FERNÁNDEZ, Valladolid 1958-63, II, p. 348, No. 395.

[54] *El Tumbo de los Reyes Catolicos*, cit., V, pp. 129-131.

[55] ARCHIVO GENERAL DE SIMANCAS, *Cancillería. Registro del Sello de Corte*, leg. 149206, No. 150; *Documentos sobre relaciones internacionales de los Reyes Catolicos*, ed. A. DE LA TORRE, I-VI, Barcelona 1958-63, IV, pp. 46-48; *Documentos referentes a las relaciones con Portugal*, cit., p. 406, No. 454.

[56] C. VARELA, *Colombo e i fiorentini*, cit., II, pp. 136-137.

[57] I. ORIGO, *The Domestic Enemy: The Eastern Slaves in Tuscany in the Fourteenth and Fifteenth Centuries*, in "Speculum", XXX, 1955, pp. 321-366 (quote p. 321).

Bartolomeo never lost touch with his city of origin and in the more than fifty years of residence in Lisbon he shipped to Florence goods from the vast commercial Portuguese world. The merchandise he sent included slaves (mostly women). This was common practice among the Florentines working abroad for the Cambini bank (on whose behalf Bartolomeo had gone to Lisbon in 1470). In 1461 the cost of a black slave destined to be in service of the Cambini family reached in Florence 50 florins *di suggello* (or about 10,000 reals), including the saleprice and various expenses (e.g. transport by sea to Livorno and then by land to Florence).[58] In 1476 Giovanni Guidetti was paid by his own *maggiori* the very large sum of 1,071 florins *larghi* (or 1,285.2 florins *di suggello*) as "net receipts" on the sale of 25 slaves on the Florentine market (the average was therefore of 43 florins *larghi*, or 51.6 florins *di suggello*, per slave); in the two years it took from the dispatch of the slaves to Florence and the sale, Guidetti spent the equivalent of 140 florins *larghi* (freight of the ship, port operations, land transport, taxes, clothing for the slaves and brokerage).[59] The profits are difficult to estimate with any precision, since we do not know the price for which the slaves were originally bought; but we should keep in mind that the value of a slave in Lisbon hovered around 12-15 florins while the price of sale in Florence could oscillate between 30 and 60.

On 23 September 1478 the ship *Santa Maria Nunziata* arrived in Livorno from Lisbon with two female slaves sent by Marchionni. The sixteen-year-old Luza was sold in Florence for 40 florins *larghi*; Margherita, instead, was sold in Pisa in exchange for four pieces of cloth "achordellati" that were later sold for almost 42 florins *larghi*. By the time the deal was concluded, in May 1479, Marchionni had made as "net receipts" 38.12.6 florins.[60]

The figures that we have, unfortunately, finish in 1482 when the Cambini bank went bankrupt. This means that the sources provide no information on the period in which Marchionni managed the contract of the African slaves. Given the characteristics of the Florentine market (where the possession of a slave "was due in large part to mainly non-economic motives, such as notions of social prestige and the fascination of the exotic"[61]), however, it is quite unlikely that Bartolomeo's direct involvement in the importation of slaves to Lisbon in any way led to an increase in the number of slaves sent to Florence, which seems to have remained sporadic.

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The Welsh writer and historian Hugh Thomas has, very emphatically, called Bartolomeo Marchionni "the first modern European slave merchant on the grand scale".[62] This is not the place to debate the accuracy of such a definition, nor the meaning of "modernity" or "grand scale" when speaking of the slave trade. Where we can certainly agree with Thomas, however, is that Marchionni was present and very active from the moment when the Portuguese trade in Africa became more formalised. Moreover, his international network meant that he did not limit himself to organizing the importation of slaves to Lisbon, but he also organised the successive re-exportation: on the one hand - on a relatively small scale - towards his native Florence; on the other - on a decidedly larger scale - towards Iberic cities (Valencia and Seville) that were both centres of import and of further export.

[58] S. TOGNETTI, *The Trade in Black African Slaves in Fifteenth-century Florence*, in *Black Africans in Renaissance Europe*, cit., pp. 213-224, 217-218.

[59] *Ibid.*, p. 219.

[60] *Ibid.*, pp. 221-222; ARCHIVIO DELL'OSPEDALE DEGLI INNOCENTI DI FIRENZE, 12700, cc. 152*d*, 171*s-d*.

[61] *Ibid.*, p. 223.

[62] H. THOMAS, *The Slave Trade*, cit., p. 792.

Marchionni's involvement in the slave trade seems to have been particularly strong in the last fifteen years of the fifteenth century, in particular on the axis West Africa-Lisbon-Valencia. In 1503 the Portuguese Crown assumed more direct control over the trading of the *Costa dos Escravos*; Marchionni therefore had to limit himself to overseeing re-exportation from Lisbon, at this time looking more towards Seville than Valencia, presumably because the demand was growing in the Andalusian city, given its role as a bridge between Europe and the West Indies, whose plantations were demanding increasing amounts of cheap labour. Occasionally Marchionni imported slaves from Brasil, but in very small quantities compared to his commerce in African slaves in the 1480s and 90s. On the other hand, at the beginning of the sixteenth century, his investments had begun to shift towards the new frontier of Portuguese trade: that of the East Indies.

Flocel Sabaté

Gli schiavi davanti alla giustizia nella Catalogna bassomedievale

L'analisi dei registri delle corti giurisdizionali nella Catalogna bassomedievale ci mostrerà che i cattivi e gli schiavi erano vittime di aggressioni o erano accusati di reati; che erano oggetto di transazioni o protagonisti di fughe; che erano complici dei loro padroni o subivano il disprezzo sociale[1].

1. CATTIVI E SCHIAVI COME OGGETTO DI POSSESSO E SOGGETTO DI DIRITTO: XII-XV SECOLO

Durante l'XI e il XII secolo, i "*sarracenos*" fanno parte del bottino di guerra ottenuto dalle contee catalane e dall'Aragona, e sono presenti in tutti gli ambienti signorili o ecclesiastici, rurali e urbani[2]. Nel XIII secolo, con le conquiste di Maiorca, Valencia e Minorca[3], il commercio di schiavi assume un peso importante nell'economia della Corona d'Aragona[4], stimola i movimenti commerciali di diverse località e città del Paese e favorisce la diffusione di "*sarracenos*" su tutto il territorio, sia in ambito urbano che rurale[5]. Nell'ambito del commercio degli schiavi,

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[1] Lo studio che presentiamo di seguito fa parte del progetto di ricerca "Auctoritas. Iglesia, cultura y poder (siglos XII-XV) (HAR-2012-31484)", finanziato dal Ministerio de Economía y Competitividad del Gobierno de España. Il poco spazio disponibile in questa pubblicazione ci impone di limitare il testo ed esporre in modo breve e conciso una parte dei risultati di una ricerca esauriente sui registri giudiziari esistenti nella Catalogna del XIII e XIV secolo, con l'aggiunta di studi selettivi sulla documentazione del XV secolo. In citazioni concrete si utilizzano le seguenti abbreviazioni: ACA, ARXIU DE LA CORONA D'ARAGÓ; ACA C, ARXIU DE LA CORONA D'ARAGÓ, CANCELLERIA; ACA MR, ARXIU DE LA CORONA D'ARAGÓ, REIAL PATRIMONI, MESTRE RACIONAL; ACBEB, ARXIU COMARCAL DEL BAIX EBRE; ACF, ARXIU DE LA CURIA FUMADA; ACN, ARXIU COMARCAL DE LA NOGUERA; ACP, ARCHIVES COMMUNALES DE PERPIGNAN; ADPO, ARCHIVES DÉPARTEMENTELES DES PYRÉNÉES-ORIENTALES; AHCB, ARXIU HISTÒRIC DE LA CIUTAT DE BARCELONA; AHCG, ARXIU HISTÒRIC DE LA CIUTAT DE GIRONA; AHCM, ARXIU HISTÒRIC DE LA CIUTAT DE MANRESA; AHPB, ARXIU HISTÒRIC DE PROTOCOLS DE BARCELONA; AHS, ARXIU HISTÒRIC DE SABADELL; AML, ARXIU MUNICIPAL DE LLEIDA; AVV, ARXIU DEL VEGUER DE VIC.

[2] J. RIUS SERRA, *Cartulario de Sant Cugat*, Barcellona 1947, III, p. 96; M. GÓMEZ DE VALENZUELA, *Esclavos moros en Aragón (ss. XI al XVI)*, in "Argensola", 1989, 102, pp. 115-132, 122-123; J. MIRET Y SANS, *Les cases de Templers y Hospitalers en Catalunya. Aplech de noves y documents històrics*, Barcellona 1910, p. 114; J.M. LACARRA, *Un arancel de aduanas del siglo XI*, in *Actas del I Congreso Internacional de Estudios Pirenaicos*, Saragozza 1952, pp. 21-36, 32; A. ALTISENT, *Història de Poblet*, Poblet 1975, pp. 144-145; S.P. BENSCH, *From Prizes of War to Domestic Merchandise: the Changing Face of Slavery in Catalonia and Aragón, 1000-1300*, in "Viator", 25, 1994, pp. 63-93, 63-74; F. SABATÉ, *La gent dels castells. Viure a l'esguard dels Castells de la Conca d'Òdena a l'Edat Mitjana*, Igualada 1999, p. 37.

[3] J. SASTRE, *Breves notas sobre el saqueo de Menorca tras la conquista de Alfonso III (1287)*, in "Meloussa", 2, 1991, pp. 49-58, 51-57; R. SOTO, *La conquista de Mallorca y la creación de un mercado de esclavos*, in *Les esclavages en Méditerranée*, a c. di F. GUILLÉN, S. TRABELSI, Madrid 2013, pp. 63-76, 63-64.

[4] O.R. CONSTABLE, *Comercio y comerciantes en la España musulmana*, Barcellona 1997, pp. 277-278.

[5] Come esempio: B.J. ALART, *Documents sur la langue catalane de Roussillon et de Cerdagne*, Parigi 1881, p. 83, 97; R. GINEBRA, *Manual primer de l'Arxiu de la Cúria Fumada de Vic (1230-1233)*, Barcellona 1998, I, p. 326; J. SERRA

Simonetta Cavaciocchi (a cura di), *Schiavitù e servaggio nell'economia europea. Secc. XI-XVIII = Serfdom and Slavery in the European Economy. 11th - 18th Centuries : atti della "Quarantecinquesima settimana di studi", 14-18 aprile 2013*

spesso si comprano e si vendono intere unità familiari e sebbene sia più frequente possedere solo uno o due schiavi, alcuni grandi proprietari riescono ad accaparrarsene un elevato numero[6]. La loro scarsa specializzazione ne agevola l'adattamento lavorativo quando vengono rivenduti, ma ciò non impedisce che in certe occasioni godano di un livello tale di fiducia che li porta alla gestione o all'amministrazione di proprietà, oltre a stabilire un certo grado di connivenza e di complicità con i loro proprietari[7]. La mancanza di libertà non va più in là di una seconda generazione, perché sia lo schiavo che il proprietario preferiscono optare per l'affrancamento dopo un accordo economico[8]. Una volta liberi, possono affermarsi socialmente mantenendo la loro condizione di musulmani[9], che rappresenta un vantaggio per cominciare a lavorare presso gli ebrei, come nel caso del servizio domestico femminile[10]. Tuttavia, la maggior parte dei liberti restano in una posizione sociale inferiore, spesso rimangono vicini ai loro vecchi signori, e accettano la conversione sia perché gli viene richiesta nella manumissione ~~o~~ che per osmosi culturale nella loro integrazione sociale[11].

Nel XIV secolo continua l'arrivo di musulmani provenienti dalla frontiera castigliana con Granada, dalla corsa e dagli interventi contro la pirateria, come sottolineerà Pietro il Cerimonioso[12], ma il loro numero è molto inferiore a quello degli schiavi arrivati dall'Europa orientale attraverso le rotte mediterranee. Si tratta di gente senza radici, che non conosce la lingua[13], che si distribuisce un po' ovunque negli spazi urbani e rurali e che è presente con grande duttilità tanto nelle compravendite quanto in ambito lavorativo[14]. Con minore peso, la vendita come schiavi è determinata nel 1390 da Giovanni I per coloro che fanno parte della truppa oziosa che invade il nord della Catalogna[15] e, con maggiori conseguenze, per i resistenti sardi, come tutti quelli arrivati in seguito alla battaglia di Sanluri, del 1409, con la convinzione che il re potesse liberarli quando sarebbe cambiata la situazione politica[16]. Nel XV secolo spicca la tratta di negri venuti attraverso il Sahara fino alla Cirenaica e ben presto dal Portogallo con gruppi ai

VILARÓ, *Baronies de Pinós i Mataplana*, Bagà 1989, II, pp. 248-249; ACA C, "Papeles por incorporar", Cervera, senza numero.

[6] F. SABATÉ, *Estructura socio-económica de l'Anoia (segles X-XIII)*, in "Acta historica et archaeologica Mediaevalia", 13, 1992, pp. 175-238, 189); J.I. PADILLA, *La construcción d'un enginy hidràulic. Els comptes del molí batan de Gardeny (Lleida, 1290-1291)*, in "Ilerda", 49, 1991, pp. 105-128, 111.

[7] AVV, processi criminali, incartamento 5, fascicolo 8, senza numero.

[8] Si stabilisce, per questo motivo, una lunga traccia notarile, attraverso le attività svolte dai "sarracenos" e attraverso un pagamento prorrateado che comporta che il proprietario risulti come debitore (J. SEGURA, *Aplech de documents curiosos e inèdits fahents per la Història de les Costums de Catalunya*, in *Jochs florals de Barcelona. Any de llur restauración MDCCCLXXXIII*, Barcellona 1883, pp. 88-90; 150-157).

[9] È il caso di Mafumet, a Manresa alla fine del XIII secolo (AHCM, fons del veguer, libro 4, senza numero).

[10] F. SABATÉ, *L'ordenament municipal de la relació amb els jueus a la Catalunya baixmedieval*, in *Cristianos y judíos en contacto en la edad Media: Polémica, conversión, dinero y convivencia*, Lleida 2009, pp. 733-804, 749-750.

[11] AML, Secció Administració de Justícia. Processos de Crims, libro A-764, f. 72v-73r.

[12] ACA C, reg. 248, f. 184r; R. CARIÑENA, *La participació corsària en la configuració del mercat dl'esclaus valencià a les primeries del segle XIV: Pere Erau i la subhasta de berberescs a València l'any 1307*, in *El poder real en la Corona de Aragón (Siglos XIV-XVI). XV Congreso de Historia de la Corona de Aragón (Jaca, 20-25 de septiembre de 1993)*, Saragozza 1996, I/2, pp. 69-82; M. GÓMEZ DE VALENZUELA, *Esclavos moros en Aragón*, cit., p. 117.

[13] C'è bisogno di traduttori come i frati che nel 1382 si offrono a Barcellona perché *"són de nació de Armenia e saben aptament parlar lenguatge de Tarteria de Grecia e d'altres nacions"* (AHCB, Fons municipal, Consell de Cent VI, libro1, f. 103r).

[14] A. PLADEVALL, *Mont-rodon. Passat i present d'un gran llinatge i d'un casal osonenc*, Vic 2001, pp. 97-103; J. PAGÈS I PONS, *Els senyorius alodials en el vescomtat de Bas a la Baixa Edat Mtijana*, Vall de Bas/Girona 1987, I, p. 83; ACF, Notari Bernat Salat, reg. 1320, senza numero; AVV, lligall de registres 14, fascicolo 1345, senza numero.

[15] ACA MR, libro 1527, f. 308v; ACA C, reg. 1958, f. 46r.

[16] D. SANCHO, *La esclavitud en Barcelona en los umbrales de la Edad Media*, in "Estudios Históricos y Documentos de los Archivos de Protocolos", 7, 1979, pp. 193-270, 220.

quali, verso la fine del secolo, si sommerà gente delle Canarie e di Granada[17], in un movimento non indipendente dalla ripresa dell'economia catalana dopo la guerra civile[18]. In tutti i casi le manumissioni si basano sull'accordo economico, che comporta il pagamento *"a talla"*, completato dallo stimolo religioso e, in alcuni casi, da motivi politici nel contesto della guerra civile[19].

Questo percorso permette di stabilire i punti di partenza. In primo luogo, l'apparentemente nitida distinzione tra cattivi e schiavi[20] - per i primi ci si riferisce agli ostaggi come prigionieri e bottino di guerra del XIII secolo, mentre per i secondi allo *""sclavum et servum"*[21] proveniente dalle acquisizioni dei secoli successivi - svanisce nella pratica. Gli uni e gli altri vengono giustificati in quanto provenienti da una "buona guerra" contro la popolazione non cristiana, e in entrambi i casi la manumissione si basa sull'accordo economico[22] e persino le denominazioni si mescolano riguardo a *"servum et cautivum"*[23]. Per questo motivo, la vera disquisizione non si basa sulla tipologia di provenienza bensì sulla situazione socioeconomica. Essa stabilisce un nuovo scenario nel XIV secolo con l'arrivo di una grande quantità di popolazione declassata per soddisfare la richiesta di lavoro.

Lo schiavo è, prima di tutto, un investimento. Il suo lavoro può essere ceduto in affitto a terzi o può essere destinato al servizio domestico o produttivo del proprietario, generalmente con scarsa responsabilità[24], ma sempre con una grande flessibilità in base al mestiere del proprietario stesso[25]. La manodopera degli schiavi costituisce chiaramente un'unità di produzione con i loro proprietari e la sua ragion d'essere è il calcolo produttivo. Lo schiavo è in competizione con la remunerazione degli stipendiati[26]. Per questa ragione, la presenza e l'aumento della manodopera schiavile è precedente alla crisi demografica della metà del XIV secolo e il suo unico rapporto con essa si colloca all'interno della concorrenza salariale constatata nei momenti di crisi[27]. Certamente non si può parlare di economia schiavista, anche se la significativa presenza degli schiavi condiziona i costi di produzione e in questo senso ha un peso specifico nell'economia.

Poiché rappresenta un'opzione nel sistema produttivo, non ci sono dubbi riguardo alla diffusione della popolazione schiava nell'insieme della Catalogna e in tutti gli ambiti lavorativi. A partire dalla documentazione del XV secolo proveniente dalla Deputazione Generale, la storiografia ha mostrato l'esistenza di una grande quantità di schiavi a Barcellona, una presenza ridotta tra le élite delle grandi città e la loro quasi totale assenza nel resto del Paese.

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[17] V. CORTÉS, *La conquista de las Islas Canarias a través de las ventas de esclavos de Valencia,* in "Anuario de Estudios Atlánticos", 1, 1955, pp. 479-549, 479-544.

[18] I. ARMENTEROS, *Ritmos y dinámicas de un mercado de esclavos (!301-1516),* in *Les esclavages en Méditerranée*, a c. di F. GUILLÉN, S. TRABELSI, Madrid 2013, pp. 101-118, 111-117.

[19] I. ARMENTEROS,*'Si tu non delinquiris'. Conflictividad en torno a la esclavitud en la Barcelona tardomedieval*, in "Anuario de Estudios Medievales", 38, 2008, 2, pp. 969-1007, 991-992.

[20] Y. ROTMAN, *Captif ou esclave? Entre marché d'esclaves et marché de captifs en Méditérranée médiévale,* in *Les esclavages en Méditerranée,* cit., pp. 25-46, 35-46.

[21] ADPO 1B-120, f. 5r.v.

[22] A. ALBACETE, *Les formes d'accés pactat a la llibertat entre esclaus i propietaris a la Barcelona del segle XV*, in "Recerques", 52-53, 2006, pp. 465-484.

[23] Sia i tartari, che gli albanesi, i greci e i sardi sono trattati in questo stesso modo nel XV secolo (D. SANCHO, *La esclavitud en Barcelona*, cit., pp. 251-265).

[24] ACA C, reg. 2203, f. 72r-v; AHCB, Fons municipal, Consell de Cent IV, libro 2, f. 68r.

[25] R. SALICRÚ, *La explotación de la mano de obra esclava en el Mediterráneo cristiano bajomedieval desde el observatorio catalano-aragonés*, in "Espacio, tiempo y forma. Serie III. Historia Medieval", 23, 2010, pp. 167-184, 172-179.

[26] F. SABATÉ, *Història Medieval,* in A. BALCELLS (dir.), *Història de Catalunya*, Barcellona 2004, p. 301.

[27] R. SALICRÚ, *L'esclau com a inversió? Aprofitament, assalariament i rendibilitat del treball esclau en l'entorn català tardomedieval*, in "Recerques", 52-53, 2006, pp. 49-85, 51-61; F.J. MARZAL, *El treball esclau a la ciutat de València al final de l'edat mitjana (1375-1425),* in "Recerques", 52-53, 2006, pp. 87-109, 100-102; A. MAS, *La incidencia del mercado de esclavos en la sturtura productiva de Mallorca (aprox. 1300-1450*), in *Les esclavages en Méditerranée*, cit., pp. 77-100, 77-80.

I registri giudiziari, invece, testimoniano una generalizzazione in cui spicca la capitale del Paese[28], che viene inevitabilmente inserita in una dinamica simile al resto del territorio data l'omogeneità sociale ed economica della Catalogna bassomedievale[29].

Questa elevata presenza fa sì che lo schiavo, in generale, sia strettamente legato alle vicende del suo proprietario, che prenda parte alle tensioni giurisdizionali e di bandi. Ad ogni modo, la gerarchia sociale lo colloca nel settore più basso della società, dove condivide gli ambiti lavorativi e ludici con la popolazione appartenente ai livelli socioeconomici inferiori. Da quella posizione, gli schiavi svolgono una funzione imprescindibile per la società, come spiegava l'influente Francesc Eiximenis[30].

2. Conflitti nell'acquisizione, possesso e manumissione dello schiavo

La vendita dello schiavo richiede una minima descrizione, che suole basarsi, come per gli animali, sulla sua colorazione e sull'indicazione dei suoi difetti, secondo il Diritto Romano, che include le clausole di evizione, per cui il venditore deve rispondere ai reclami, e di azione redibitoria o di restituzione, nel caso di difetti di qualità. Su questa base si verificano reclami per sospette malattie previe non dichiarate[31]. La reiterazione e la difficoltà nel precisare il loro fondamento impone a Barcellona, nel 1433, un'ordinanza che regoli il reclamo, dopo un anno e un giorno dall'acquisto, in caso di malattie che il proprietario ritiene risalenti a prima dell'acquisto stesso, sempre secondo un esauriente catalogo e l'approvazione di un comitato di esperti, formato da "*dos o tres metges, phísics o cisurgichs*"[32]. Lo schiavo dev'essere oggetto della corrispondente imposta municipale[33], o in caso contrario il proprietario dovrà pagare una sanzione economica[34].

Nel 1375, a Puigcerdà, fu imposta una sanzione di quattro fiorini a "*un hom qui fahia balestes de tro qui tenia I catiu qui no era seu*"[35]. Era sanzionato economicamente anche chi cercava di vendere come proprio uno schiavo che in realtà gli era stato soltanto prestato da un altro proprietario e ancor di più se stava trattando la sua manumissione[36]. Le vendite concordate con diverse condizioni, come spesso un pagamento con ripartizione prorata, danno luogo a nume-

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[28] C'è una grande richiesta di schiavi per le numerose attività lavorative basilari concentrate a Barcellona, alcune molto emblematiche, come quelle di carico e scarico delle navi (AHCB, Fons municipal, Consell de Cent X, libro 4, f 4v, 37r).

[29] Gli schiavi che lavorano ad Agramunt, Bagà, Ripoll, Igualada, Santa Coloma de Queralt, Puigcerdà, Cervera, Manresa, Vic e in un lungo eccetera di città e insediamenti medi e piccoli, mostrano un ritratto e una funzione sociale equivalente, nelle loro rispettive dimensioni, a quella esercitata nei grandi nuclei del Paese. Questa constatazione basata soprattutto sulle fonti giurisdizionali e giudiziarie concorda con gli approcci tradizionali della storiografia locale e persino con la dispersione costatata da studi realizzati prendendo come epicentro Barcellona (J. BAUCELLS, *Vivir en la Edad Media: Barcelona y su entorno en los siglos XIII y XIV*, Barcellona 2005, 2, p. 1790).

[30] S. LLONCH, *Eiximenis i l'esclavitud: els capítols 341-348 del 'Dotzè del Crestià'*, in "Llengua & Literatura", 3, 1988-1989, pp. 449-458, 451.

[31] Si esige la "*redibició del dit sclau e restitución del preu de aquell*" (AHPB, Notari Bernat Montserrat, manuale 1436, foglio sciolto).

[32] J. HERNANDO, *La redhibició i l'evicció en els contractes de la compra-venda d'esclaus (s. XIV i XV)*, in "Quaderns de la Selva", 13, 2001, pp. 229-248, 236-238; J. HERNANDO, *L'estat físic dels esclaus: malalties i defectes. La redhibició i l'eviccio´i la compravenda d'esclaus (s. XIV-XV)*, in "Acta historica et archaeologica Mediaevalia", 23-24, 2002-2003, pp. 415-539, 424-426.

[33] AHCG, I.1.2.1, incartamento 6, libro 3, senza numero; AHCB, Fons municipal, Consell de Cent IV, libro 1, f. 10r, 44r.

[34] Così accae a Barcellona nel 1369 nel caso di un notaio "*acusat que havia denegada la imposició de una sclava que havia comprada*" (ACA MR, libro 1547, f. 4v).

[35] ACA MR, libro 1512, f. 43r.

[36] A Barcellona nel 1376 "*Berenguer de Mas flassador*" è sanzionato economicamente "*delat que volie vendre una sclava la qual havia dad a taya*", perché "*no hagués licència de vendra aquella*" (ACA MR, libro 1376, senza numero).

rosi conflitti[37]. Quando avvengono in giurisdizioni diverse, di solito ne deriva un alto numero di comunicazioni tra gli ufficiali giurisdizionali[38]. Inoltre l'acquisto da parte di un unico proprietario di schiavi condivisi da più possessori[39] complica la situazione in quanto bisogna trovare un accordo tra le varie parti[40]. La subcontrattazione degli schiavi, che spesso si sussegue[41], provoca conflitti, specialmente quando, dopo anni, bisogna ricordare le condizioni della subcontrattazione ai discendenti di coloro che hanno stipulato l'accordo[42]. In tutti i casi conflittuali, la giurisdizione ordinaria esige un preciso titolo notarile di proprietà dello schiavo. Nel 1297, il priore del monastero di Montserrat dice di non trovare la documentazione relativa alla proprietà della coppia musulmana composta da Alí e Fabona e del loro figlio Asmet, motivo per cui il sottovicario di Manresa e del Bages, come titolare della giurisdizione regia della zona, avvisa il balivo di Barcellona, che notifica la conferma di due cittadini barcellonesi che si assumono la responsabilità della transazione realizzata nella capitale del Paese[43].

Gli schiavi possono essere oggetto di pignoramento, come succede con quattro saraceni a Osona nel 1231[44]. Inoltre non è raro dare in garanzia uno schiavo per prestiti di importanti quantità di denaro da restituire a breve termine[45]. In questa situazione, le discrepanze nel rispetto degli impegni riguardano sempre gli schiavi. A volte alcuni accusati di furto di schiavi sono persino vecchi proprietari che ritengono di aver saldato il debito e recuperano il loro schiavo contro il parere della parte avversa, come succede a proposito di una schiava greca a Ripoll nel 1328[46]. La stessa condizione di bene economico colloca lo schiavo tra le proprietà trattenute dalla giurisdizione ordinaria nel procedere a una confisca e sequestro di beni. La netta frammentazione giurisdizionale che caratterizza la Catalogna, con le inerenti discussioni sulla capacità dei rispettivi ufficiali, si ripercuote in pieno su queste azion che combinano querele giudiziarie e uso della forza[47].

La pericolosità sociale e l'immoralità attribuite ai numerosi schiavi del XIV secolo, oltre al timore della loro fuga, in città come Barcellona, Girona, Vic o Tarragona ispirano delle

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[37] Nel 1286, ad esempio, a Manresa la corte del vicario deve tiene que dirimere il reclamo di Ramon de Malla contro Arnau de Gravalosa per uno schiavo saraceno che contrattualmente gli appartiene, contro l'interpretazione realizzata dalla controparte (AHCM, fons del veguer, libro 3, senza numero).

[38] Così accade nel 1277 quando il barcellonese Domènec Gomar reclama come suo un "*sarraí*" in possesso di Berenguer de Calders nelle sue proprietà nella vicaria di Manresa e Bages (AHCM, fons del veguer, libro 1, senza numero) e nel 1376, quando il vicario di Osona reclama al balivo di Castellfollit de Bas la restituzione per supposto inadempimento di contratto nell'acquisto della schiava Catalina con cui un cittadino di Vic si è insediato nella suddetta giurisdizioneía (AVV, incartamento di registri 20, fascicolo 1375, senza numero).

[39] R. GINEBRA, *Manual primer de l'Arxiu de la Cúria Fumada de Vic (1230-1233)*, Barcellona 1998, II, p. 1130.

[40] Nel 1306 i Gispert, padre e figlio, per acquistare lo schiavo saraceno nero Alibez devono versare la quantità pattuita con i loro comproprietari Guillem Mercer e Pericó Burgués di Cervera (J. SEGURA, *Aplech de documents curiosos*, cit., p. 150).

[41] Nel 1330, a Santa Coloma de Queralt, Guillema, vedova di Berenguer Piquer, cede temporalmente a Arnau Rabassa una schiava greca per un periodo di dodici anni, e tre anni dopo, il ricevente, a sua volta, cede la stessa schiava a una terza persona per un periodo di otto anni (*Ibid.*, p. 154).

[42] AVV, lligall de registres 1, senza numero.

[43] AHCM, fons del veguer, libro 4, senza numero.

[44] R. GINEBRA, *Manual primer de l'Arxiu de la Cúria Fumada de Vic*, cit., p. 260.

[45] Nel 1282 il cavaliere Guillem de Cirera dà in pegno al cavaliere Maimó de Castellolí "*un sarrahí meu llor, anomenat Scait, per CC sous de tern, que tinc rebuts de vos*", fino al giorno di San Vincenzo in cui si impegna a restituire il prestito (J. SEGURA, *Aplech de documents curiosos*, cit., p. 153).

[46] ACA, C Varia, reg. 265, f. 35r.

[47] Nel 1297 tre boia del vicario di Manresa e del Bages sequestrarono ad Antius, nei possedimenti di Coaner, un bue, un asino e un saraceno. Mentre stavano andando sulla strada pubblica verso la sede vicariale, il balivo del signore in questione, chiamando in causa una violazione di competenze, convocò la milizia locale e assaltò gli ufficiali reali sulla strada pubblica recuperando i beni confiscati, azione che diede luogo a un successivo reclamo dei beni, incluso il saraceno, da parte della giurisdizione regia (AHCM, fons del veguer, libro 4, senza numero).

ordinanze che hanno i seguenti scopi: limitare la capacità economica degli schiavi proibendogli di vendere prodotti o di pignorare beni autonomamente; evitare la loro presenza in luoghi di socializzazione come ad esempio le taverne; allontanarli da mestieri che implicano il contatto con oggetti sacri; tenere sotto controllo la loro partecipazione a mestieri e attività che prevedono l'accesso ai metalli preziosi, a prodotti utilizzabili come veleno, come ad esempio la coriaria e il cianuro, o alle armi[48]. Al tempo stesso, si indica per il proprietario la possibilità di avvalersi della quantità di schiavi che considera necessari per svolgere attività di scarsa complessità lavorativa, come nel caso dei fornai e dei panettieri, lavori in cui la loro presenza è alta come nel settore della costruzione e dello stivaggio al porto. Invece, il timore della concorrenza dello schiavo, che all'inizio ne aveva limitato il numero[49], sarà più evidente per quei mestieri di maggior complessità e specializzazion e si arriverà a impedire l'accesso dello schiavo alla conoscenza del mestiere stesso. A tutto ciò bisogna sommare la poca fiducia nella moralità degli schiavi. A Barcellona viene proibito l'ausilio di schiavi per produrre similoro, orpello e oggetti di oreficeria e ne viene limitato il numero anche come aiutanti per i corallai. In realtà questi provvedimenti sono violati di continuo e con una grande tolleranza, sempre che ciò non danneggi i livelli superiori della catena produttiva[50]. Si presta maggiore attenzione al divieto generalizzato di impiegare le schiave nella prostituzione[51] e agli obblighi derivanti dalle loro funzioni lavorative - come ad esempio le limitazioni nei loro rapporti sessuali per fare in modo di non perdere il lavoro[52] -, specialmente nel caso delle balie che potrebbero perdere il latte, e questa imposizione di solito è rafforzata contrattualmente[53].

Tra le attività economiche dello schiavo nel XIII secolo non mancano quelle creditizie, sotto forma di denaro o di grano, con le conseguenti pene di "*terces*" imposte a chi non rispetta gli obblighi, anche se in alcuni casi lo schiavo può essere accusato di essere un' "*usurarius publicus*"[54]. Con i benefici ottenuti lo schiavo ripartisce pro rata la propria manumissione, e ciò viene registrato indicando il proprietario come suo debitore. Quando si libera prima di adempiere l'accordo economico, il liberto si impegna a realizzare dei pagamenti periodici e sarà perseguito come debitore nel caso di inadempienza, e ciò riguarderà anche i beni dei terzi che hanno avallato l'operazione. Gli accordi tra lo schiavo e l'avallante possono prevedere che il primo si impegni a dipendere dal secondo fino all'estinzione del debito, creando così nuovi conflitti in caso di inadempienza. Nel XIV e XV secolo, i contratti di "*alforria*" agevolano la manumissione attraverso il lavoro[55], fissando una serie di prestazioni che delineano una relazione contrattuale, attenta alla comprensione reciproca e alla produttività[56], che conducono lo schiavo davanti all'ufficiale ordinario contro il suo padrone

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[48] AHCB, Fons municipal, Consell de Cent I, libro 9, f. 8r; D. SANCHO, *La esclavitud en Barcelona*, cit., pp. 268-270; S. CUNILL, *Ordinacions sobre bans y penes a Vich en el segle XIV*, in "Butlletí del Centre Excursionista de Vich", 5, 1925-1928, pp. 5-135, 25; J. CODINA, S. PERIS, *Ordinacions de Girona de l'any 1358*, in "Annals de l'Institut d'Estudis Gironins", 28, 1985-1986, pp. 191-209, 209; *Ordinacions i crides de la ciutat de Tarragona (segles XIV-XVII)*, Tarragona 1982, pp. 57-58.

[49] R. SALICRÚ, *Slaves in the Professional and Family Life of Craftsmen in the Late Middle Ages*, in *La famiglia nell'economia europea secc. XIII-XVIII*, a c. di S. CAVACIOCCHI, Firenze 2009, pp. 331-332.

[50] P. BONNASSIE, *La organización del trabajo en Barcelona a fines del siglo XV*, Barcellona 1975, pp. 97-99.

[51] D. SANCHO, *La esclavitud en Barcelona*, cit., p. 220.

[52] AHCB, Fons municipal, Consell de Cent I, libro 23, f. 26r.

[53] J. HERNANDO, *L'alimentació làctia dels nadons durant el segle XIV, les nodrisses o dides a Barcelona, 1295-1400*, in "Estudis històrics i documents dels arxius de protocols", 14, 1996, pp. 39-157, 51-52; R.L. WINER, *Allaitement, esclavage et salut de l'âme dans la Couronne d'Aragon et le Royaume de Majorque*, in "Études Roussillonnaises", 25, 2013, pp. 107-114, 109-111.

[54] J. BAUCELLS, *Vivir en la Edad Media*, cit., p. 1786.

[55] J. SASTRE, *Notas sobre la esclavitud en Mallorca. "El Libre de sareyns e de grecs de l'any de M CCC XXX"*, in "Mayurqa", 21, 1985-1887, p. 109.

[56] P. BONNASSIE, *La organización del trabajo*, cit., pp. 100-102.

in caso di inadempienza da parte di quest'ultimo. Lo schiavo segue la stessa via in caso di inadempienza nelle vendite che condizionano la cessione dello schiavo stesso alla sua liberazione alcuni anni dopo[57].

Un'elevata conflittualità nasce intorno alle manumissioni testamentarie, discusse dall'erede, nelle quali bisogna chiarire con certezza la volontà del defunto e, più di frequente, discutere se lo scomparso avesse o meno diritto di manomettere lo schiavo[58]. Queste tensioni si verificano frequentemente nel caso in cui gli schiavi, una volta affrancati, restino con la stessa famiglia, per loro espressa volontà oppure perché era una delle condizioni previste per la loro manumissione[59]. L'interessato ricorre in questi casi alla corte giurisdizionale reclamando il riconoscimento della propria libertà. Questo è ciò che fece Caterina, di lignaggio "*moro*", nel 1398 a Vic[60]. Lei raccontava di essere stata liberata dal suo padrone insieme ai suoi due figli purché restasse a servire la vedova, ma l'erede non riconosceva quell'accordo e diceva che suo padre non era il proprietario bensì l'usufruttuario dei diritti di una sorella religiosa del monastero barcellonese di Las Puellas, e che, alla morte della religiosa, la proprietà della schiava sarebbe tornata per reversione al cenobio, presso cui lui si era affrettato a comprarli, nonostante ciò che suo padre aveva indicato nel testamento[61].

In altri casi si mette in discussione la possibilità di ridurre in schiavitù chi originariamente sarebbe cristiano[62], specialmente nel caso di bosniaci e greci, intraprendendo azioni contro mercanti catalani nel luogo di acquisto, come succede nel 1393 a Ragusa[63] o in Catalogna contro i proprietari[64]. La liberazione, rifacendosi al modello siciliano, deve comportare la conversione al cattolicesimo - come stabilisce Giacomo II[65] - e il rimborso economico, come determinano Giovanni I e Martino I sotto la pressione della città di Barcellona[66], dando luogo a numerosi episodi di tensione, come quello che nel 1423 porta all'intervento della stessa regina Maria, come luogotenente del re[67]. La giurisdizione ecclesiastica riceve petizioni di schiavi ai quali si richiede di documentare la loro condizione cristiana previa, dando vita così a processi episcopali ai quali talvolta si fa ricorso presso la corte arcivescovile di Tarragona, come accade nel caso di alcuni proprietari quando il verdetto precedente non li favorisce[68]. In modo ancor più generalizzato, le lamentele per essere stati catturati ingiustamente fanno sì che a Barcellona, nel 1433, si affermi la necessità di un'indagine sulla provenienza subito dopo l'arrivo in città, se necessario mediante traduttori[69].

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[57] I. ARMENTEROS, *"Si tu non delinquiris"*, cit., pp. 971-973.

[58] AVV, lligall de registres 14, fascicolo 1345, senza numero.

[59] Dopo la liberazione nel 1417 di una schiava bulgara da parte del suo padrone, il castellano di Figuerola, Gabriel de Vilafranca, il figlio ed erede di questi dovrà ricordarlo nel suo testamento del 1439 (J. SEGURA, *Aplech de documents curiosos*, cit., p. 158).

[60] E. GAJA I MOLIST, *Esclavatge a Manlleu*, in "Ausa", 1955-1957, 2, pp. 461-464.

[61] AVV, Processos civils, fascicolo 1398-2, senza numero.

[62] AHPB Notari Bernat Nadal, libro 1395, f. 113v.

[63] N. FEJIC, *L'esclavage et le discours antiesclavagiste au Bas Moyen Âge: quelques exemples du monde méditerranéen,* in *Construire l'histoire antillaise*, a c. di L. ABENON, D. BÉGOT, J.-P. SAINTON, Parigi 1992, pp. 477-492, 483-484.

[64] AHPB Notari Bernat Nadal, libro 1395, f. 113v.

[65] H. SAKURAI, *Tráfico humano hacia la España medieval. Manumision y mecenazgo,* in *De l'esclavitud a la libertad. Esclaus i lliberts a l'edat mitjana*, a c. di M.T. FERRER, J. MUTGÉ, Barcellona 1999, pp. 75-86, 82.

[66] M.T. FERRER, *Esclaus i lliberts orientals a Barcelona Segles XIV i XV,* in *De l'esclavitud a la llibertat. Esclaus i lliberts a l'edat mitjana*, a c. di M.T. FERRER, J. MUTGÉ, Barcellona, 2000, pp. 167-212, 187.

[67] M.M. COSTA, *Relacions entre Alfons el Magnànim i els Països Balcànics. Testimonis documentals,* in *XVI Congresso Internazionale di Storia della Corona d'Aragona. Celebrazioni Alfonsine*, a c. di G. D'AGOSTINO, G. BUFFARDI, Napoli 2000, I, p. 200.

[68] J. BAUCELLS, *Vivir en la Edad Media*, cit., p. 1794.

[69] AHCB, Fons Municipal, Consell de Cent IV, libro 5, f. 5r-7r.

In un modo e nell'altro si vedono ancora "*esclaus que pledegen ab lur senyor*", come si indica nella Barcellona della metà del XV secolo[70], d'accordo con le "*demandes de libertat*" rivolte da alcuni schiavi ai loro signori in città come Valencia[71].

3. Gli schiavi davanti alla giustizia come vittime

Nel XIII secolo, i "*sarracenos*" e il bestiame sono gli obiettivi abituali delle rapine nei conflitti giurisdizionali e signorili[72]. Il bottino dei partecipanti agli assalti comporta l'aggressione degli schiavi: nel 1319 Guillem Sacirera include nel suo testamento una donazione per le anime dei proprietari dei tre schiavi che rubò partecipando alla cavalcata di Pietro V di Queralt contro il Campo de Tarragona[73]. Le azioni possono prevedere una sanzione economica per l'infrattore, che poi finisce al proprietario del saraceno[74].

Ad ogni modo, nel contesto lavorativo bassomedievale, il furto dello schiavo è interpretato come un'aggressione importante per il danno economico causato, perciò si cerca di intimorire con pene pesanti. Nel 1376 a Tortosa si dispone una pena di morte umiliante -"*rossegat e penjat*" - per un ladro che, dopo aver rubato uno schiavo sardo, lo ha venduto come se gli appartenesse[75]. Questo non impedisce i furti in seguito ai quali gli schiavi sono portati nei regni vicini come la Navarra o la Castiglia[76], un traffico che si cerca di bloccare nei limiti del possibile[77].

Trovandosi normalmente negli strati inferiori, spesso lo schiavo è vittima di disprezzo e di aggressioni in luoghi vicini alla marginalità, come il carcere, o in luoghi di lavoro poco considerati, come il porto[78]. In tutti i casi è punito con sanzioni economiche, che sono ridotte se le parti in causa hanno trovato un accordo di riparazione[79]. Nel XIV secolo lo schiavo è la vittima nel 30,76% dei casi di aggressione in cui è coinvolto, l'80% dei quali è costituito da azioni di violenza fisica. Si tratta, prima di tutto, di risse nel suo ambiente, come i luoghi abituali di vita e lavoro, e tra vicini o colleghi di lavoro appartenenti agli stessi strati sociali. Gli episodi di violenza sono determinati dagli ambienti frequentati e variano in base al genere: il 75 % delle aggressioni maschili corrispondono a risse tra uomini, in cui i due terzi dei colpevoli sono uomini liberi, mentre il terzo rimanente corrisponde a risse tra schiavi. Circa il 60% delle aggressioni subite dalle schiave sono compiute da altre donne, anch'esse per due terzi libere, sempre in un ambiente di quartiere che a volte comporta aggressioni di cui sono protagonisti membri della stessa famiglia, come nel caso della moglie di Nicolau Prats che, insieme a sua madre, attacca una schiava a Barcellona nel 1393[80]. Provocare ferite - "*nafrar*" - è un'aggravante, come

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70 T. VINYOLES, *Queixes dels pobres presos de la presó de Barcelona (1445)*, in "Acta historia et archaeologica Mediaevalia", 18, 1997, pp. 67-88, 83.

71 D. BLUMENTHAL, *Enemies and familiars. Slavery and mastery in fifteenth-century Valencia*, Ithaca/Londra 2009, pp. 235-269, 210-229.

72 Il barone Berenguer de Rajadell è accusato di aver sottratto da una proprietà di Guillermo Degà un asino e una saracena nel 1287, lo stesso anno in cui quattro saraceni sono sequestrati in una masseria del monastero di Montserrat dopo l'assalto di una ventina di uomini di Vacarisses (AHCM, fons del veguer, libro 3, senza numero).

73 J. SEGURA, *Història de Santa Coloma de Queralt*, cit., pp. 152-153.

74 IDEM, *Història d'Igualada*, Igualada 1907, I, p. 260.

75 ACBEB, fons municipal de Tortosa, Clavari, libro 13, pp. 125-126.

76 M. DIAGO, *Esclavitud y frontera en la Península Ibèrica bajomedieval: el caso de la Corona de Aragón*, in *De l'esclavitud a la llibertat*, cit., pp. 135-150, 142-144.

77 Nel 1359 il procuratore generale della Catalogna ordina di portare come prigionieri da Igualada a Barcellona uno schiavo di proprietà del consigliere di Barcellona Ramon d'Usay, insieme a un altro detenuto, che era "*qui se'l en portà*" (J. SEGURA, *Història d'Igualada*, cit., I, p. 260).

78 ACA MR, libro 1548, senza numero.

79 ACA MR, libro 1376, senza numero; libro 1549, f. 30r.

80 ACA MR, libro 1549, f. 5r.

succede nel 1395 a Barcellona dopo che il tessitore Pere Naspler "*havia batuda una esclava de qui li havia exida sanch per la bocha*". Tuttavia, le ferite non hanno un'influenza diretta sulla pena, perché la sanzione economica viene imposta in funzione di diverse circostanze. Ad ogni modo si notano sanzioni simili sia che le vittime siano schiave che libere[81].

Sono poco frequenti i casi in cui lo schiavo denuncia il proprio padrone per maltrattamenti, come accade nel 1308 a Gerald de Bruguera, un beneficiato di Granollers, che è obbligato dalla corte ecclesiastica a trattare meglio la sua schiava greca Saurina, denutrita e vittima di maltrattamenti[82].

A Puigcerdà nel 1388 viene inflitta una pena di solo due fiorini per il tentativo di stupro di una schiava - "*per ço quan volia forçar la sclava den Ramon Bertho, del dit loch*" -, mentre l'anno precedente il figlio di Roc de Caldegues era stato sanzionato con tre fiorini perché "*havia ferida e cascada la sclava den Guillem Font traginer de Puigcerdà*"[83]. In realtà, l'umiliazione delle schiave è un passatempo a cui i giovani ricorrono spesso e a volte include il sequestro a scopo sessuale. Il proprietario danneggiato presenta la denuncia per recuperare la schiava. Per questo, nel febbraio del 1373, due boia della corte dei vicari di Tarragona "*anaren de manament dels veguers en alguns lochs per çercar II jovens qui se'n menaven I sclava den Johan d'Ulzinelles*"[84]. Tra tutte le aggressioni nei confronti degli schiavi nel XIV secolo, l'11% è a scopo sessuale, come il sequestro, lo stupro o il loro tentativo. In certi casi il reato riesce a scatenare la tensione sociale contro l'arroganza del potere, come accade nel 1392 quando la pressione popolare obbliga a intervenire contro il procuratore e i funzionari dell'*alguazile* che avevano arrestato una schiava accusandola di un furto ai danni del suo padrone e che poco dopo era stata trovata morta in un letamaio[85]. Ad ogni modo, se il reato si limita al rapimento e abuso sessuale, è punito con una semplice pena economica, riflettendo così, in realtà, l'assimilazione della schiava ad altre donne di scarso livello sociale, perché lo stesso trattamento è applicato, ad esempio, a serve libere di poca considerazione[86]. I rapporti sessuali consenzienti tra un uomo libero e una schiava o imposti da chi ha "affittato" la schiava *a soldada* possono essere puniti in maniera economicamente ancor più pesante se manca l'autorizzazione del padrone: a Barcellona, nel 1368, il corazziere Bernat Soler paga 50 soldi[87] e di fatto le ordinanze municipali prevedono anche pene maggiori[88].

L'8% dei casi in cui gli schiavi sono vittime è rappresentato da furti. Si tratta sempre di furti di vestiti e denaro, un quarto dei quali avviene per strada[89] e nella maggior parte dei casi negli alloggi dello schiavo e ciò denota il suo possesso di beni e di un minimo di spazio proprio.

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[81] A Barcellona nel 1393 si condanna a una pena di tre fiorini "*la muller den Nicholau Prats e (..) sa mard*", "*per batiment que havien fet a una sclava de que la havian nafrada*", cifra identica a quella applicata l'anno seguente nei confronti di "*na Romia, muller den Xanxo Garcia, delada que havia naffrada una esclava*", e inferiore ai 5 fiorini che deve pagare nel 1395 "*Jacme Vidal fuster per unes naffres que havia feta en la sclava d'en Pere Brunet*" mentre nello stesso periodo Pere Naspler paga solo 2 fiorini per la suddetta aggressione finita nel sangue (ACA MR, libro 1549, f. 4v, 25r, 31v, 25v).

[82] J. BAUCELLS, *Vivir en la Edad Media*, cit., p. 1794.

[83] ACA MR, libro 1502, f. 11r, 2r.

[84] ACA MR, libro 1496, f. 22r.

[85] "*Eren encolpats que havien treta de casa den Mayans procurador Iª esclave d'aquell ab argent y robes que la dita esclave havia furtats al dit senyor seu. E com la hagueren fora la ciutat ocieren-la e la soterraren en I famer fora lo carrer dels Orps hon fo atrobada*" (*Manual de Novells Ardits, vulgarits apellat Dietari del Antich Consell barceloní*, a c. di F. SCHWARTS I LUNA; F. CARRERAS I CANDI, Barcellona 1892, I, pp. 32-33).

[86] Tra vari esempi, nel 1426, "*alguns masips*" di una fucina nel Vallespir "*se n'havien menada una serventa del capellà de Costoja*", vicenda risolta con una semplice sanzione economica (ACA MR, libro 1562-C2, senza numero).

[87] ACA MR, libro 1525, f. 20r.

[88] AHCB, Fons municipal, Consell de Cent X, libro 2, f. 34r, 72r.

[89] Come accade a Barcellona nel 1370 quando un falegname "*per forsa leva una capa del coyll a na Tudora, muller d'en Bernat sclau d'en Jacme Terraça*" (ACA MR, libro 1547, f. 32r).

Alcuni casi irrisolti vedono lo schiavo protagonista di un mistero sospeso tra il crimine, il suicidio o l'incidente, come successe nel Rossiglione nel 1372 quando "*trobaren l'esclau de ffra Arnau Gitart neguat dins dl'aygua del Riart*"[90], e in altri casi si ripetono incidenti che continuano a testimoniare l'elevata presenza di schiavi, come accade a Barcellona nel 1371, quando il balestriere Bernat Oliver, "*jugant a ballesta a la drassana, nafra en Jacme, sclau den Bernat Ferruçons, per tall com la ballesta que·l dit Bernat Oliver tenia se dispará per si matexa en la qual lavors havia una treta*".[91]

4. Schiavi come fuggiaschi

La fuga di saraceni è contemplata già nel XII secolo nel codice degli "*Usatges de Barcelona*"[92]. Nel XIII secolo, le "*Costumbres de Tortosa*" stabiliscono la pena di morte per chi trattiene con l'inganno altre persone, incluso gli schiavi rubati o in fuga[93]. Nel XIV secolo le fughe di schiavi diventano un importante problema per le loro conseguenze lavorative. Due terzi delle fughe hanno come protagonisti gli schiavi e un terzo le schiave. In alcuni casi i fuggiaschi allegano come scusa dei maltrattamenti da parte dei loro padroni, ma in altri, hanno una capacità lavorativa e di integrazione sociale che gli permette di aspirare al proprio riconoscimento come persone libere[94]. Di fatto, molti schiavi si distinguono nei loro mestieri - sono "*bons obrers*"[95] - e proprio le ordinanze in ambito lavorativo limitano la loro azione autonoma in quei mestieri in cui potrebbero spiccare, come nel caso dei panettieri[96].

Sia nel XIV secolo che nel XV, diversi schiavi riescono ad andare al di là delle frontiere[97]. Il destino è diverso per molti altri. Lo schiavo fuggiasco può aver rubato al suo padrone prima di scappare[98] e per sopravvivere di solito ricorre al furto e, nel caso delle donne, alla prostituzione. Lo schiavo è considerato un fattore di destabilizzazione: la sua semplice presenza è vista con sospetto, perciò, come accade a Barcellona dal 1350, gli schiavi devono circolare con salvacondotti, soprattutto se sono schiavi di colore. In queste circostanze, il raggio della fuga è solitamente ridotto. Gli schiavi fuggiaschi, poiché conoscono il contesto giurisdizionale, prima di tutto cercano di raggiungere una giurisdizione diversa da quella di partenza: nel XIV secolo, la maggior parte di essi partendo da Barcellona si dirige verso nord, meno di un terzo va verso sud e un gruppo molto più piccolo si dirige ad est. Ciononostante, di solito il loro tragitto è breve; la maggior parte di essi vengono arrestati in un raggio inferiore a 70 chilometri: fino alla viscontea di Cabrera verso nord o ancora più vicino, verso Martorell o Sitges, a sud. Alcuni raggiungono le grandi città, come Girona al nord e Tarragona al sud. Partendo da Perpignan, cercano di raggiungere sempre la frontiera francese, e perciò nel 1374 si prendono provvedimenti speciali con

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[90] ACA MR, libro 1524, f. 309r.

[91] ACA MR, libro 1547, f. 35v.

[92] Usatge de Barcelona 116, cap. 93 (J. BASTARDAS, *Usatges de Barcelona. El Codi a mitjan segle XII,* Barcellona 1991, p. 130).

[93] J. MASSIP, *Costums de Tortosa,* Barcellona 1996, p. 486.

[94] F. SABATÉ, *El veguer a Catalunya. Anàlisi del funcionament de la jurisdicció reial al segle XIV,* tesi doctoral Universitat de Barcelona, Barcellona, 1993, pp. 499-500.

[95] R. SALICRÚ, *Fugues, camuflatge i treball esclau a l'entorn del castell de Tortosa i de els terre de l'Ebre en el primer terç del segle XV*, in "Acta historica et archaeologica mediaevalia", 25, 2003-2004, pp. 423-444, 424-435.

[96] *"Que algú qui sia catiu o cativa no puxe parar forn ne flaqueria per fonejar ne flaquejar per si mateix o per altre essent tal catiu o cativa lo principal exercidor del forn o flaqueria, ne los cònsols o prohòmens puxen tal catiu o cativa admetre en dits exercicis si donchs no a soldada que prengua de mestre principal forner o flaquer* " (AHCB, Fons municipal, Consell de Cent IV, libro, f. 59r).

[97] M. DIAGO, *Esclavitud y frontera en la Península Ibèrica bajomedieval*, cit., pp. 139-142; I. ARMENTEROS, *'Si tu non delinquiris'*, cit., p. 987.

[98] AHCB, Fons municipal, Consell de Cent I, libro 7, f. 48r.

l'appoggio del re[99]. Nel XIV secolo, poco meno del 15% di coloro che sono detenuti mentre tentano di fuggire cercava di nascondersi in una nave e in altri luoghi costieri[100].

Dopo la detenzione dello schiavo, il suo padrone ha un anno di tempo per reclamarlo, e se non lo fa, il detenuto viene messo all'asta. Nel 1375 il vicario del Rossiglione aspetta solo un mese prima di mettere all'asta "*alcun sclau negre serray per nom Alí*", giacché, "*atès lo temps de la gran carestia*", mantenerlo per un anno non sarebbe stato economicamente vantaggioso[101]. Ad ogni modo, il mosaico giurisdizionale tipico della Catalogna del XIV secolo, in cui le diverse giurisdizioni baronali non collaborano tra loro per non stabilire dei precedenti di preminenza[102], complica le restituzioni. Le cessioni di schiavi reclamati - come quella fatta nel 1407 dal balivo di Santa Coloma de Queralt nel consegnare un fuggiasco negro al suo padrone, un barcaiolo di Barcellona[103] - sono eccezionali. La cosa più normale è il blocco con cui ha a che fare nel 1321 un mercante di Barcellona che reclama la proprietà di una schiava fuggiasca detenuta per furto nella viscontea di Cabrera. Il vicario reale di Barcellona la reclama al vicario della viscontea di Hostalric, ma questi invoca la mancanza di giurisdizione reale nella sua zona. Il proprietario interessato sollecita, allora, l'aiuto del governo municipale della sua città, che protesta con il vicario e con la viscontessa, senza però nessun effetto[104]. L'esistenza di cause in sospeso nella giurisdizione dove è stato detenuto il fuggiasco rappresenta spesso un motivo per non restituirlo, come esprimono i vicari e i consoli di Tarragona, nel 1327, in seguito al reclamo di una schiava da Barcellona[105].

Nel 1333 il governo di Barcellona richiede di nuovo uno schiavo fuggitivo che è prigioniero del balivo di Sant Vicenç dels Horts, minacciando di procedere nei confronti degli "*homes del vostre terme*"[106] qualora la richiesta non sia soddisfatta . Come altri casi di invalicabilità giurisdizionale, la "*fadiga de dret*" permette di procedere contro i beni della giurisdizione avversa ("*marca*") o persino con le armi ("*sometent*")[107]. Cercando di evitare queste reazioni, si accampano una serie di scuse che, in definitiva, rendono impossibile il recupero del fuggiasco . Nel 1326 il governo di Barcellona reclama uno schiavo fuggitivo di proprietà di un mercante della città al signore di Mataró; quest'ultimo però si giustifica dicendo che, dopo averlo catturato, lo schiavo è fuggito di nuovo e non sa dove sia, ma a Barcellona si dubita di queste affermazioni[108]. Spesso la ricerca diventa confusa. Nel 1357 una schiava scappa da un intermediario di Barcellona; quest'ultimo va a reclamarla nella baronia di Queralt, dato che gli era giunta voce che la schiava si trovasse lì, ma il balivo del luogo gli comunica solo l'arresto per prostituzione di una passante che utilizzava un altro nome e che alla fine è stata liberata senza poter controllare se fosse schiava o meno[109]. Gli schiavi fuggiaschi condividono così lo stesso destino di quelli reclamati dalla giustizia ("*bandejats*") che, in pratica, trovano rifugio in giurisdizioni diverse da quelle di provenienza e, di fatto, alcuni sono ricercati per non essersi presentati alle citazioni pubbliche "*per alguns crims per ell comesos*"[110]. Il conflit-

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[99] ACP, AA5, f. 27r-v.

[100] J. HINOJOSA, *Esclavos, nobles y corsarios en la Alicante Medieval*, Alicante 2000, p. 112.

[101] ACA MR, libro 1524, f. 258v-259r.

[102] F. SABATÉ, *El veguer a Catalunya. Anàlisi del funcionament de la jurisdicción reial al segle XIV*, in "Butlletí de la Societat Catalana d'Estudis Històrics", 6, 1995, pp. 153-159.

[103] J. SEGURA, *Aplech de documents curiosos*, cit., p. 155.

[104] AHCB, Fons municipal, Consell de Cent I, libro 6, f. 48r

[105] AHCB, Fons municipal, Consell de Cent I, libro 10, f. 65r.

[106] AHCB, Fons municipal, Consell de Cent I, libro 13, f. 54r.

[107] F. SABATÉ, *El sometent a la Catalunya medieval*, Barcellona 2007, pp. 9-36.

[108] AHCB, Fons municipal, Consell de Cent I, libro 10, f. 42v.

[109] J. SEGURA, *Aplech de documents curiosos*, cit., p. 155.

[110] AHCB, Fons municipal, Consell de Cent X, libro 4, fols. 28v-29r.

to giurisdizionale include le controversie con la giurisdizione ecclesiastica[111]: nel 1396 la città di Barcellona cerca l'appoggio del papa nei suoi conflitti con il vescovado, a cominciare dalla problematica dei tonsurati dal punto di vista esattivo e continuando con le tensioni giurisdizionali come le "*servas sive sclavas*" che si erano rifugiate nel palazzo episcopale, generando un conflitto che andava avanti da più di due decenni[112]. Il conflitto giurisdizionale favorisce le tensioni come quella sorta tra il balivo reale e il vescovo a Barcellona tra la fine del XIV e l'inizio del XV secolo in seguito all'applicazione della pena di morte da parte del primo ai danni di una fuggiasca che la giurisdizione ecclesiastica reclamava come propria[113]. Le diverse giurisdizioni portano sempre a una complessità di gestione: nel 1351 un mercante barcellonese deve reclamare al viceammiraglio reale Bonanat Coll uno dei suoi schiavi, che si era rifugiato nella sua galea sulla spiaggia di Barcellona[114]. I governi municipali danno il loro appoggio ai proprietari[115] e cercano complicità nei propri omologhi: nel 1327 il governo di Barcellona chiede l'appoggio a quello di Girona per recuperare uno schiavo battezzato chiamato Joan trattenuto dal barone Pere Senesterra[116].

In queste condizioni, la cosa migliore è la prevenzione. Ordinanze municipali come quelle di Vic o di Barcellona sono molto decise nel proibire di dare rifugio, da mangiare o da bere a uno schiavo[117] senza il consenso del proprietario o nel vietargli di spostarsi sia di giorno che di notte[118], badando di non farlo avvicinare di notte alla costa[119]. Tuttavia, ci saranno sempre circostanze speciali difficili da controllare: nel 1413, a Balaguer, uno schiavo fugge approfittando della confusione causata dall'assalto alla città, mentre nel 1424, a Tortosa, due fuggiaschi cercano di passare inosservati nella comitiva di "*hun fill del rey de Trimicén*"[120]. Non si riesce, però, a imporre un abbigliamento specifico[121], come il fazzoletto giallo sulla testa delle schiave[122], anche se in molti casi gli viene applicato un anello di ferro a una gamba -"*portant anell o cercle de ferre en la cama dreta*"[123] - o addirittura a entrambe: "*un esclau negra apellat Joan qui aporta un capusayo blanquinós e un anell de ferro en cascuna cama*"[124]. In rare occasioni si concede il perdono per la fuga attraverso il pagamento di una piccola pena pecuniaria[125], ma, in generale, si ricorre alla pena di morte, come accade a Barcellona dal 1296 in poi cercando di ottenere un effetto dissuasivo[126]. Per compensare il costo economi-

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[111] F. SABATÉ, *L'Església secular catalana al segle XIV: la conflictiva relació social,* in "Anuario de Estudios Medievales", 28, 1998, pp. 757-784.

[112] "*Per XX annos dictam questio non esset decisa*" (AHCB, Fons municipal, Consell de Cent I, libro 27, f. 64v-65r).

[113] M.T. FERRER, *Esclaus i lliberts orientals a Barcelona,* cit., pp. 181-182.

[114] L. PAGAROLAS, *El Protocol del Notari Bonanat Rimentol (1351)*, Barcellona 1991, pp. 225-226.

[115] AHCB, Fons municipal, Consell de Cent I, libro 5, f. 34v-35r.

[116] AHCB, Fons municipal, Consell de Cent I, libro 10, f. 66v-67r.

[117] S. CUNILL, *Ordinacions sobre bans y penes a Vich*, cit., pp. 25-26.

[118] AHCB, Fons municipal, Consell de Cent I, libro 9, f. 8r; libro 17, f. 56r; libro 18, f. 14v-15r, 20r-21v; libro 19, f. 91r-92v.

[119] AHCB, Fons municipal, Consell de Cent I, libro 17, f. 55v.

[120] R. SALICRÚ, *Fugues, camuflatge i treball esclau*, cit., pp. 441-442.

[121] J. MUTGÉ, *Les ordinacions del municipi de Barcelona sobre els esclaus,* in *De l'esclavitud a la llibertat*, cit., pp. 245-266, 258-259.

[122] T.M. VINYOLES, *La mujer a través de las ordenanzas municipales de Barcelona,* in *Actas de las Segundas Jornadas de Investigación Interdisciplinaria. Las mujeres medievales y su ámbito jurídico*, Madrid 1983, pp. 137-154, 151.

[123] ACA MR, libro 1524, f. 258v.

[124] J. SARRET, *Història de l'Estat politico-social de Manresa*, Manresa 1925, pp. 89.

[125] Nel 1357 Miquel Martí, schiavo di un cambista di Barcellona, è multato solo di 20 soldi per il suo tentativo di fuga (ACA MR, libro 1475-1, f. 9v).

[126] "*Mes que si algun catiu fugira haie esser sguarrat si son senyor ho volra e ho requerra al vaguer*" (D. SANCHO, *La esclavitud en Barcelona,* cit., p. 269).

co che la suddetta pena comporta per il padrone, nel 1350 si crea nella città un sistema obbligatorio di registro degli schiavi successivo al loro acquisto, nel quale si indica il costo e un contributo economico che permetterà di compensare il proprietario che ha subito una fuga e l'ha denunciata entro il giorno successivo; lo schiavo, una volta catturato, sarà sottoposto a una pena di morte orribile insieme a chi lo ha aiutato[127]. Un'assicurazione simile fu proposta a Perpignan prima della fine del XIV secolo[128].

Per mettere in pratica questo provvedimento c'è bisogno dell'acquiescenza da parte dei proprietari e, soprattutto, di superare la frammentazione giurisdizionale. Le manovre municipali dell'epoca per rafforzare una giurisdizione reale che sia sinonimo di omogeneizzazione giurisdizionale[129] comportano discussioni sulle competenze esclusive della corona per specificare se lo schiavo fuggitivo sia stato catturato sul cammino pubblico e, di conseguenza, se debba essere restituito alla giurisdizione reale nonostante si trovi in una zona baronale[130]. L'irrealizzabilità di queste aspirazioni porta a prospettare la persecuzione degli schiavi fuggiaschi attraverso l'unica istituzione con capacità d'azione sull'insieme territoriale della Catalogna: la Deputazione Generale. Così si stabilisce nel 1413, anche se la norma non fu applicata fino al 1421[131], fissando un sistema di tassazione adattato al grado di rischio di fuga, superiore nel caso di schiavi musulmani barbareschi, bianchi e mulatti, e prevedendo la costituzione di guardie di schiavi per sorvegliare tutti i fronti, persino quello della fuga via mare verso le terre di Granada[132]. I fuggiaschi sono sottoposti alle frustate e alla trapanazione dell'orecchio[133], secondo la legislazione locale di Barcellona, che permetteva anche di bruciare il viso con un ferro per lasciare un marchio ignominioso[134]. Ciononostante, la Deputazione non crea una struttura specifica e l'intervento ricade sui deputati locali e le guardie e "*collidors del General*" creati con finalità meramente fiscali[135]. Questo si unisce alla grande sfiducia nel sistema fuori da Barcellona, con la conseguente mancanza di implicazione tra i proprietari. Le perdite economiche provocate dall'applicazione del provvedimento in questo contesto portano alla sua fine nel 1431 e ciò ritrasferirà il problema ai governi municipali sotto le rispettive giurisdizioni, sebbene la Deputazione Generale continui ad avere tra le sue competenze il coordinamento degli sforzi contro la fuga degli schiavi[136]. Il modello del registro di schiavi e del risarcimento ai proprietari sotto una struttura municipale sarà implementato in città come Valencia nel 1445[137].

L'intervento della Deputazione Generale attenuò l'invalicabilità giurisdizionale e, significativamente, accentuò il desiderio di raggiungere le frontiere settentrionali[138] - Tolosa e

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[127] AHCB, Fons municipal, Consell de Cent I, libro 18, f. 14r-15r; libro 19, f. 91r-92v..

[128] R. SALICRÚ, *Entre el reclam de les terres islàmiques i l'escapada septentrional: la institucionalització de la por a les fugues d'esclaus a la Catalunya tardomedieval,* in *De l'esclavitud a la llibertat*, cit., pp. 87-134, 100-110.

[129] F. SABATÉ, *El poder reial entre el poder municipal i el poder baronial a la Catalunya del segle XIV,* in *XV Congreso de Historia de la Corona de Aragón (Jaca, 1995). El poder real en la Corona de Aragón*, Saragozza 1996, I/2, pp. 327-342.

[130] F. SABATÉ, *Discurs i estratègies del poder reial a Catalunya al segle XIV,* in "Anuario de Estudios Medievales", 25, 1995, 2, pp. 617-646, 622-641.

[131] R. SALICRÚ, *La implantación de la Guarda d'Esclaus i el manifest de 1421 a la vegueria de Cervera,* in "Miscel·lània Cerverina", 12, 1998, pp. 35-56.

[132] EADEM, *Esclaus i propietaris d'esclaus a la Catalunya del segle XV. L'assegurança contra fugues,* Barcellona 1998, pp. 1-109, 17-64.

[133] J. MIRET, *La esclavitud en Cataluña en los últimos tiempos de la edad media,* in "Revue Hispanique", 41, 1917, pp. 73-75.

[134] J. MUTGÉ, *Les ordinacions del municipi de Barcelona*, cit., pp. 260-261.

[135] I. SÁNCHEZ DE MOVELLÁN, *La Diputació del General de Catalunya (1413-1479),* Barcellona, 2004, p. 345-347.

[136] ACN, Fons local Balaguer, 3809."Llibre Gros de Privilegis", fol. 164v.

[137] M. GUAL CAMARENA, *Un seguro contra crímenes de esclavos en el siglo XV,* in "Anuario de Historia del Derecho Español", 23, 1953, pp. 247-258.

[138] J. MIRET, *La esclavitud en Cataluña,* cit., pp. 29, 54-61.

altre città, come Pamiers, si vantano di accogliere in libertà gli schiavi[139] - e, soprattutto tra la popolazione musulmana, l'orientamento meridionale. Essa, con l'aumento delle fughe in gruppo - anche solo di due persone che intendono aiutarsi reciprocamente - cerca di raggiungere i quartieri musulmani della valle dell'Ebro per ottenere aiuto da parte di autorità religiose islamiche e di un crescente numero di collaboratori per fuggire via mare verso terre islamiche[140]. Di fronte a questa situazione era necessario l'intervento dei deputati che svolgevano la funzione di delegati territoriali della Deputazione Generale contro i responsabili delle comunità musulmane, con la collaborazione del vicario reale e del balivo reale di Tortosa, per trovare delle pene intimidatorie: *"seria bo que qualque pena grossa fos imposada als sclaus moros qui fugen, ço és sagnar o penjar"*[141]. Rispetto al nord, c'è anche la questione da trattare *"devant los comissaris e iutges per los senyors reis d'Aragó e de França deputats e assignats en pacificar marques",* che nel 1442 condannano la città di Tolosa per aver offerto protezione agli schiavi fuggitivi[142].

5. Reati e pene dello schiavo

La complicità nelle tensioni giurisdizionali e signorili del XIII secolo riserva lo stesso destino allo schiavo e al suo signore e quest'ultimo risponde per lui pagando le cauzioni con beni propri e di amici per tirarlo fuori dal carcere, come fa nel 1287 il cavaliere Pau de Guardiola di fronte alla corte del vicario di Manresa e del Bages per il suo saraceno Alí[143], oppure rilasciando salvacondotti, come fa nello stesso anno il signore di Queralt per il suo saraceno Abdelá[144]. Per questa prossimità, nel 1316 si sospetta di una schiava di una casa rivale come responsabile dell'incendio di un pagliaio a Santa Cecília de Voltregà[145].

La bassa estrazione sociale e la loro condizione di infedeli, nella maggior parte dei casi fanno aumentare la diffidenza e il sospetto nei confronti degli schiavi, soprattutto verso le donne, accusate spesso di stregoneria, come avviene nel 1304 a Subirats nel caso della saracena Axa, di cui si dice che *"facit divinaciones et conjugaciones furtorum et maleficiorum"*[146].

Nel XIV secolo, lo schiavo finisce nei bandi che penalizzano l'inadempimento delle ordinanze municipali che organizzano la vita urbana e viene sottoposto alla sanzione economica corrispondente, che nel 41% dei casi paga direttamente lui, e non il proprietario. In tutti i casi, condivide spazio ed esperienze con gli strati sociali inferiori, come si nota ad esempio dalla sua frequentazione delle bische[147]. Nella sanzione economica causata dal gioco in luoghi non autorizzati non si impongono pene superiori allo schiavo, nonostante

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[139] CH. VERLINDEN, *Esclaves fugitifs et assurances en Catalogne (XIVe-XVe siècles),* in "Annales du Midi", 62, 1950, pp. 301-328, 327-328.

[140] *"Los moros blanchs o llors qui ni ha qui fugen per terra e són sostenguts en les moreries de la ribera de Ebro (...). Los sclaus d'altres nacions fugen comunament ves Tholosa e los demes ixen per los passos qui són d'un arenal qui és entre la mar e lo stany de Salses, qui dreça a la Lebocata fins al pas de Tírvia"* (*Cortes de los antiguos reinos de Aragón y Valencia y Principado de Cataluña,* Madrid 1913, 18, pp. 88-89).

[141] *Ibid.*, p. 89.

[142] ACN, Fons local Balaguer, 3809."Llibre Gros de Privilegis", fol. 164v.

[143] AHCM, fons del veguer, libro 3, senza numero.

[144] J. SEGURA, *Aplech de documents curiosos*, cit., p. 162.

[145] AVV, processi criminali, incartamento 5, fascicolo 8, senza numero.

[146] J. MARTÍ, L. NIQUI, F. MIQUEL, *Processos de l'Arxiu Diocesà de Barcelona*, Barcelona 1984, I, p.39.

[147] Nel 1395, ad esempio, il sottovicario di Barcellona sanziona i partecipanti a una partita di gioco illegale in casa di Gascó de Montcada, e constata che i membri della bisca sono quattro: un mulattiere - *"traginer"* -, un facchino - *I macip de Gabriel Sa pila* -, un converso e uno schiavo, *I sclau den Marquat.* La pena pecuniaria applicata è diversa per ognuno di essi: il facchino paga 8 soldi, la cifra più bassa; il converso ne paga 16 e mezzo; il mulattiere 27 e mezzo e lo schiavo 11, che paga di persona (ACA MR, libro 1549, f. 29v-30r).

quest'ultimo non stia rispettando le ordinanze che intendono allontanarlo dai giochi d'azzardo perché prevedono una transazione economica[148].

Il 36% delle pene applicate agli schiavi nel XIV secolo corrisponde a furti. A Barcellona si dice esplicitamente che uno degli stimoli per il furto è rappresentato dal desiderio di ottenere i soldi per la manumissione[149]. Il 55% dei furti riguarda gli oggetti domestici più svariati. Tra questi, quasi un sesto sono stati commessi ai danni del padrone stesso. Nel 1371, Joan, schiavo del fabbricante di morsi per cavalli barcellonese Bernat Sabater, ruba al suo padrone dei vestiti e quattro scudi, e tutta la refurtiva è nascosta da altri cinque schiavi: quattro nascondono uno scudo a testa e l'altro nasconde i vestiti[150]. Come in questo caso, la fine fatta dalla refurtiva mette in evidenza il grande rapporto tra gli schiavi e tra la popolazione degli strati inferiori[151]. Il 44% dei furti riguarda prodotti alimentari: grano, specialmente nei luoghi in cui viene immagazzinato[152] e, in più della metà dei casi, prodotti rubati nei campi, i due terzi dei quali è rappresentato da uva colta nelle vigne. In alcuni casi il furto avviene per consumo personale, però nella maggior parte delle volte c'è il sospetto di una connivenza con gli stessi padroni[153] e a quel tempo persone rispettabili sono accusate di aver incoraggiato i furti di grano e frutta compiuti dai loro servi[154]. In città come Barcellona si emanano ordinanze specifiche contro il furto di frutta da parte di servi o, direttamente, schiavi[155]. In alcune occasioni si accusa il proprietario di trarre beneficio dai furti dello schiavo, come accade a Barcellona nel 1376, quando è accusata la "*dona den Ponça*", di cui si dice che "*sostenia furt a la sclava*"[156]. Ad ogni modo, nel caso della frutta e dell'uva, quasi un quarto di queste azioni sono compiute in connivenza con soci estranei all'ambiente domestico, seppur appartenenti allo stesso strato sociale dello schiavo, raggiungono un elevato livello organizzativo: nel 1369, Joan Grec pagò 40 soldi al vicario di Barcellona "*inculpat que acullia en sa casa ladronissis de fruytes que alscuns sclaus hi aportaven*", un'accusa che, tuttavia, "*no·s podia bé provar*"[157].

Il 57% delle accuse nei confronti degli schiavi deriva da casi di violenzae di questi circa il 60% si limitano a risse in un ambiente prossimo. Nel caso delle schiave si tratta di risse tra donne, sia schiave che libere, che hanno un rapporto di vicinato e appartengono allo stesso livello sociale. Circa un terzo delle aggressioni compiute dagli schiavi hanno come vittime le donne, anche in questo caso sia libere che schiave, a dimostrazione che il vincolo di relazione dipende dal livello sociale e non dalla situazione giuridica, e sempre in un ambiente fisico molto prossimo, come per l'aggressione della "*sclava francha veyna sua*"[158]. Per quanto riguarda le risse tra uomini, più della metà nascono tra schiavi, mentre il resto si colloca in un contesto

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148 "*Que neguna persona estranya ho privada no gos jugar a negun joch hon vaien diners ab sclaus*" (S. CUNILL, *Ordinacions sobre bans y penes a Vich*, cit., 5, p. 23); "*ne comprar res de catiu, ne jugar amb ells*" (D. SANCHO, *La esclavitud en Barcelona*, cit., p. 269).

149 J. MUTGÉ, *Les ordinacions del municipi de Barcelona*, cit., pp. 260-261.

150 ACA MR, libro 1547, f. 46r-47r.

151 A Barcellona, nel 1395 si punisce con una multa di 5 fiorini "*na Marquesa, amiga den Astorge, porter de la senyora Reyna per tal com havia comprada una caldera e I morter de coure ab sa mà a I sclau de'n Cabanyals qui havia furtat*" (ACA MR, libro 1549, f. 34v).

152 Uno schiavo di Molins de Rei è arrestato nel 1369 perché si sospetta "*que volia emblar forment al portxo de la Ciutat de Barcelona*" (ACA MR, libro 1547, f. 5v).

153 A Barcellona, nell'ottobre del 1356 "*na Binda*", schiava dell'argentiere Pere Safont, "*era entrada en una vinya ab una tona per furtar verema*" (ACA MR, libro 1522, f. 8r)

154 A Barcellona, nel 1369 si punice economicamente un medico perché "*consentia que I fadrí qui stava ab ell aportava garbes de blat del portal de Santa Anna hon batien alscunes persones a casa sua a obs de gallines*" (ACA MR 1547, f. 11v).

155 AHCB, fons municipal, Consell de Cent IV, libro 2, f. 53r, 65v,73r.

156 ACA MR, libro 1548, f. 20r.

157 ACA MR, libro 1547, f. 7v.

158 ACA MR, libro 1549, f. 10v.

sociale che include la rissa della *calle* Cavaroques di Barcellona nel febbraio del 1377 tra tre persone, tra cui uno schiavo e un menestrello, in cui il primo viene accusato di aver rotto la cornamusa del musicista[159]. In tutti i casi, la mancanza di ferite, il ristabilimento reciproco della pace e la mediazione di buone persone, riducono la punizione. Al tempo stesso, la percentuale di suicidi e i tentativi compiuti tra persone in schiavitù è leggermente superiore alla media, con una frequenza maggiore tra le schiave[160]. Il metodo più ricorrente è l'impiccagione con una corda, anche se si può tentare in altri modi, come fece a Barcellona nel 1368 *"na Caterina sclava de la dona Costança muller den Pere Franquesa, la qual se volia açiura ab I ganivet"*[161]. In tutti i casi viene punito con una multa, come i due fiorini che dovette pagare questa schiava.

Nel 1357, a Barcellona, Esteve Lleig è condannato a pagare 40 soldi *"per tall com I cativa sua avia mes vidra mòlt en I casola segons que.s deya"*[162]. Nel tentativo di danneggiare il suo proprietario, lo schiavo può anche compiere azioni di autolesionismo: nel 1356 la corte del vicario di Barcellona riceve 60 soldi di multa da *"Mafumet, sclau den Guillem Bruniquer, delat que ell mateix se era naffrat"*[163]. Il timore di danneggiare la manodopera rende più difficile l'applicazione di pene fisiche e giustifica persino azioni come quella di Bernat Conill nel 1358, che cerca di evitare la sentenza interlocutoria sulla tortura e, in seguito, la condanna di due suoi schiavi accusati di omicidio[164]. Con interventi simili si cerca anche di evitare la consueta amputazione delle orecchie in caso di furto per non diminuire il valore economico dello schiavo[165]. Ad ogni modo, la mancanza di fiducia nei confronti dello schiavo fa sì che venga visto sempre più spesso come un essere pericoloso[166].

Il timore e il disprezzo per la posizione sociale dello schiavo lo espongono alle pene più gravi: quando nel 1390 è detenuto uno schiavo insieme a *"IIII o V pillars"* che hanno invaso la Catalogna, il governatore generale ordina di giustiziare solo lo schiavo[167]. La tortura processuale e la pena di morte sono più vicine al livello sociale in cui si trova lo schiavo: il 4,5% delle pene di morte applicate nella Catalogna bassomedievale riguarda schiavi o servi[168]. Le esecuzioni sono orribili: il condannato è *"rocejat e penjat"*. È il destino che gli è riservato nei casi di aggressione sessuale, mentre per lo stesso reato gli appartenenti a livelli sociali superiori sono trattati diversamente: a Lleida, lo schiavo Joan Navarro viene giustiziato per un tentativo fallito di stupro ai danni di una minorenne nel 1447[169], lo stesso anno in cui a Mataró, un altro schiavo ha cercato di violentare una liberta[170]. Il fatto di essere schiavo lo espone anche ad accuse per reati nefandi come l'omosessualità maschile. Schiavi e "mori" sono coloro che vengono segnati dallo stigma di questa accusa, punita, nel loro caso, con la massima durezza, cioè con il rogo, come accade, ad esempio, a Barcellona nel 1395 a *"I sclau*

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159 ACA MR, libro 1548, f. 17r.

160 F. SABATÉ, *Femmes et violence dans la Catalogne du XIVe siècle,* in "Annales du Midi", 106/207, 1994, pp. 277-316, 314-315.

161 ACA MR, libro 1547, f. 12r.

162 ACA MR, libro 1546-1, f. 20v.

163 ACA MR, libro 1475-1, f. 8r.

164 AHPB, Notari Juan Eximenis, "Liber protestacionum et sentenciarum", senza numero.

165 J. MIRET, *La esclavitud en Cataluña*, cit., pp. 73-74.

166 Nel 1455 si indica a Valencia: *"experiència haia mostrat que per molts catius e catives són stats comesos molts e diversos crims contra llurs propris senyors e senyores, fills e filles e companya d'aquells"*. M. GUAL CAMARENA, *Un seguro contra crímenes de esclavos*, cit., pp. 256-257.

167 ACA, Cancelleria, reg. 1958, f. 4r.

168 F. SABATÉ, *La pena de muerte en la Cataluña bajomedieval,* in "Clio & Crimen. Revista del Centro de Historia del Crimen de Durango", 4, 2007, pp. 191-276.

169 M. CAMPS, *El torment a Lleida (segles XIV-XVII),* Lleida 1998, pp. 85-94.

170 A. ALBACETE, *Els lliberts a la Barcelona del segle XV*, in "Estudis Històrics i Documents dels Arxius de Protocols", 26, 2008, pp. 147-190, 182.

den Ffrancesch Peres appellat Anthoni delat de crim de sodomia"[171]. Solamente vincoli concreti come la dipendenza dal fisco reale possono evitare queste condanne, come successe a Perpignan nel 1422 riguardo a "*quodam servum Georgium de genere sarracenorum olim vocatum Ali*"[172].

La pena di morte è prevista per i colpevoli di omicidio e solitamente viene eseguita con una particolare crudeltà. Intervenire contro i beni e le vite dei loro padroni non comporta solo la condanna a morte degli schiavi, ma anche un'esecuzione a scopo dimostrativo. È ciò che accade a Barcellona nel 1483, quando "*fou condemnat lo sclau negre d'en Joan Matheu, síndich de la ciutat a ésser rossegat, atanallat, degollat y scorterat per què havia morta sa dona ab metzines y emmetzinat lo fill de son amo qui estava per morir*"[173]. Nel 1456 a Lleida fu giustiziato "*un sclau apellat Jordi, d'en Miquel Cortés pedrapiquer*", che ammise di aver assassinato il suo proprietario perché veniva sottoposto a maltrattamenti e umiliazioni, anche se ciò non rappresentò assolutamente un'attenuante e fu sottoposto, a scopo dimostrativo, al castigo più feroce: fu condannato a "*que sia degolat e squarterat*" mentre veniva trascinato per le vie della città[174].

6. Lo schiavo: un "oggetto" con il quale si tratta

Il racconto giudiziario ci ha mostrato lo schiavo normalmente integrato in un livello sociale inferiore, motivo per cui viene trattato con disprezzo e si sospetta facilmente di lui. Quest'opinione riguarda anche i liberti, non solo perché molti di loro vivono a stretto contatto con gli schiavi, ma anche perché continuano a essere colpiti dallo stesso stigma: ci si riferirà a loro come "*sclau qui fou*" indicando di seguito il loro ultimo proprietario[175], svolgeranno lavori di poco prestigio[176] e saranno esclusi dalla promozione in ambito lavorativo attraverso sia la legislazione municipale che il comportamento popolare[177], con un disprezzo forse maggiore per i liberti di colore[178]. Non deve stupirci, pertanto, che i liberti abbiano un trattamento simile a quello degli schiavi davanti alla giustizia [179], che la legge mantenga le pene superiori che corrispondono agli schiavi[180] e che la loro parola sia ammessa nei processi ma la si consideri come quella della gente malfamata[181].

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[171] ACA, MR, libro 1549, f. 62r.

[172] Fu "*sentenciatum ad mortem corporalem hoc est ut corporaliter concremaretur, dictum servum fuiste positum per curiam Regiam in loco de la Grava ubi solent tales comburi seu concremari*", ma che poté fermare l'applicazione del castigo per il dubbio sulla sua appartenenza al fisco regio (ADPO 1B.-225, f. 6r-7r)

[173] E.G. Bruniquer, *Ceremonial dels Magnífichs Consellers y Regiment de la Ciutat de Barcelona*, Barcellona 1914, III, p. 44.

[174] M.D. Farreny i Sistac, *Processos de crims del segle XV a Lleida: transcripció i estudi lingüístic*, Lleida 1986, pp. 65-66.

[175] A Barcellona nel 1366 si parla di "*Steve Suyl, negre qui fo sclau de Nicholau de Déu quondam*" (ACA MR, libro 1525, f. 5v), così come nel 1393 una ladra è presentata come "*na Anthonia qui solia ésser sclava den Ramon Martí quondam ara francha*" (ACA MR, libro 1549, f. 11r), mentre nel 1371 si racconta di una rissa in cui sono coinvolti alcuni antichi schiavi: "*na Sibilia, muller d'en Pere Nus, qui és stada sclava de Berenguer de Vila Ultzmosa, delada que havia scupit en la cara an Guillemó Batiat franch qui fo sclau den Pere Goday Mercader*" (ACA MR, libro 1547, f. 39r).

[176] ACA MR, libro. 1549, f. 60v.

[177] P. Bonnassie, *La organización del trabajo*, cit., p. 102.

[178] D. Blumenthal, *Enemies and Familiars. Slavery and Mastery in Fifteenth-century Valencia*, Ithaca-London, 2009, pp. 235-269.

[179] A Barcellona, il fatto che Juana non sia più schiava non impedisce che nel 1369 sia oggetto di offesa verbale da parte di "*na Maria, muller de P. Martí sartra*", che "*feu retrets de la lig morischa*" (ACA MR, libro 1547, f. 14v), mentre nel 1394 il sottovicario di Barcellona deve intervenire contro "*Jacme Ferrer, cunyat d'en Johan Yam frener e d'en Anthoni Sadromi, frener delats que havian nafrada una fembra qui era stada sclava e la qual lo dit Johan Yam tenia per amiga no y havia gran nafres*" (ACA, MR, libro 1549, f. 16v).

[180] "*Si serà sclau o sclava o que ho sia stat*" (AHCB, Fons municipal, Consell de Cent IV, libro 2, f. 52r).

[181] AHS, D.11.30. 2. Justícia. Curia. Notari Ajachs, f. 26v.

La manumissione resta una buona opera di carità e persino nel contesto della spiritualità redentorista del XV secolo alcuni testamenti non si sottraggono alla similitudine tra la remissione dell'umanità operata da Gesù Cristo con il suo sacrificio e la redenzione dei propri schiavi[182]. Trattare bene lo schiavo è anche una buona azione: l'assenza di maltrattamento può essere imposta nei contratti di compravendita[183] e fa onore al proprietario, come dimostrano le autorità di Barcellona quando, nel 1387, cercano di convincere gli ufficiali della giurisdizione di Tarragona affinché restituiscano una schiava catturata in quella città e che è fuggita da Barcellona, insistendo sul fatto che il suo padrone è una buona e onesta persona che la tratta correttamente[184]. La casistica risponde all'ambito domestico in cui lo schiavo è inserito come unità di produzione e come unità di solidarietà[185]. In questa prossimità si inserisce il doppio uso simultaneo di molte schiave, quello sessuale da parte dei loro padroni - che evitano così la pericolosità dei bordelli[186] - e il servizio domestico alle padrone, per le quali nelle manumissioni legate ai testamenti dei proprietari si suole specificare che, una volta liberate, continuino a servire la padrona. I governi municipali, come quello di Igualada nel 1421, nell'emettere ordinanze contro il mantenimento di concubine, specificano che non sono incluse le schiave, "*les quals sclaves los dits singulars tendran en lurs cases per fer-los servitut*"[187]. Allo stesso modo, alcuni chierici accusati di concubinato vivono stabilmente con le schiave[188].

Questa situazione aumenta il numero di figli bastardi che hanno dei destini molto diversi tra loro: alcuni sono abbandonati immediatamente[189], mentre altri godono di un avvenire brillante al fianco del loro padrone e padre. Nell'ambito della giustizia si trovano buoni esempi di atteggiamenti molto favorevoli verso schiavi concreti. Succede con delle schiave, come dimostra il vicario del Rossiglione che, nel 1407, espelle dal proprio domicilio sua moglie per beneficiare la schiava, cosa che gli valse la correzione imposta dal re in persona[190]. Accade anche con gli schiavi nati da queste relazioni: il cittadino di Girona Nicolau Despuig resse la sottovicaria di Besalú tra il 1416 e il 1419 accompagnato dal suo schiavo, nato della relazione con una schiava. Il suo schiavo e bastardo partecipava agli interventi giurisdizionali aiutando i facchini e i boia della corte, insieme ai quali si spostava a piedi e assumeva anche personalmente missioni di una certa responsabilità, come quella di recarsi da solo a Girona con la corrispondenza del sottovicario per l'avvocato fiscale o anche per il governatore generale della Catalogna, e per questo motivo, una volta in cui le strade erano molto piene di fango, gli fu pagato lo spostamento a cavallo[191].

La giustizia, in definitiva, ci ha avvicinato alla quotidianità in cui trovare la verità sulla posizione sociale occupata dagli schiavi nella Catalogna bassomedievale.

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[182] J. SEGURA, *Aplech de documents curiosos*, cit., pp. 160-161.

[183] J.M. LLOBET PORTELLA, *Doce documentos cervarienses relacionados con el comercio de esclavos (1370-1400)*, in "Espacio, Tiempo y Forma. Serie III. Historia Medieval", 17, 2004, pp. 273-291, 290-291.

[184] AHCB, Fons municipal, Consell de Cent I, libro 10, f. 66r.

[185] È il contesto in cui alcune proprietarie come la signora di Queralt nel 1418 non solo liberano ma addirittura offrono la dote e il vestito da sposa dall'antica schiava, oppure del castellano di Figuerola, che nel 1439 promette la liberazione allo schiavo responsabile del suo mulino quando avrà insegnato il mestiere a un nuovo schiavo che dovrà sostituirlo (J. SEGURA, *Aplech de documents curiosos*, cit., p. 158).

[186] A. STELLA, *Des esclaves pour la liberté sexuelle de leurs maîtres,* in "Clío, Histoire, Femmes et Sociétés", 1997, 5, pp. 191-209, 194-202.

[187] J. SEGURA, *Història d'Igualada,* Igualada 1978, 2, pp. 214-215.

[188] J. BAUCELLS, *Vivir en la Edad Media*, cit., p. 1795.

[189] A. BOURNET, A. CATAFAU, *Esclaves musulmans et maîtres chrétiens à Perpignan et en Roussillon au Moyen Âge,* in *Perpignan, l'histoire des musulmans dans la ville (du Moyen Âge à nos jours): recueil des communications du colloque du 7 et 8 avril 2005*, Perpignan 2005, pp. 63-83, 82.

[190] ACA C, reg. 2272, f. 18r-v.

[191] ACA MR, libro 1556, f. 70r-102v.